

Thursday
March 27, 1986

Federal Register

Briefings on How To Use the Federal Register—
For information on briefings in Dallas, TX,
see announcement on the inside cover of this issue.

Selected Subjects

Air Pollution Control

Environmental Protection Agency

Aviation Safety

Federal Aviation Administration

Chemicals

Environmental Protection Agency

Endangered and Threatened Species

Fish and Wildlife Service

Fisheries

National Oceanic and Atmospheric Administration

Flood Insurance

Federal Emergency Management Agency

Marketing Agreements

Agricultural Marketing Service

National Banks

Comptroller of Currency

Organization and Functions (Government Agencies)

Coast Guard

Radio

Federal Communications Commission



FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers for \$300.00 per year, or \$150.00 for 6 months, payable in advance. The charge for individual copies is \$1.50 for each issue, or \$1.50 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

How To Cite This Publication: Use the volume number and the page number. Example: 51 FR 12345.

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 2 1/2 hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

DALLAS, TX

WHEN: April 23; at 1:30 pm.

WHERE: Room 7A23,
Earl Cabell Federal Building,
1100 Commerce Street, Dallas, TX.

RESERVATIONS: local numbers:

Dallas 214-767-8585
Ft. Worth 817-334-3624
Austin 512-472-5494
Houston 713-229-2552
San Antonio 512-224-4471.

for reservations

Contents

Federal Register

Vol. 51, No. 59

Thursday, March 27, 1986

Agency for International Development

NOTICES

Agency information collection activities under OMB review, 10579

Agricultural Marketing Service

RULES

Limes grown in Florida, 10535

Agriculture Department

See Agricultural Marketing Service; Federal Crop Insurance Corporation; Forest Service; Soil Conservation Service

Alcohol, Tobacco and Firearms Bureau

RULES

Alcoholic beverages:

Beer; tax payment, qualification of breweries, etc. Correction, 10540

Army Department

See Engineers Corps

Arts and Humanities, National Foundation

See National Foundation on Arts and Humanities

Coast Guard

RULES

Captain of the Port Zone:
Long Island Sound, 10540

Commerce Department

See Foreign-Trade Zones Board; National Oceanic and Atmospheric Administration

Committee for the Implementation of Textile Agreements

See Textile Agreements Implementation Committee

Comptroller of Currency

PROPOSED RULES

National banks:

Minimum capital ratios; risk-based capital standards, 10602

Defense Department

See also Engineers Corps

RULES

Civilian health and medical program of uniformed services (CHAMPUS):

Appeals and hearings; nonavailability statement requirements; vision care benefit; correction, 10540

NOTICES

Meetings:

DOD-University Forum Working Group, 10566
Science Board task forces, 10565

Education Department

NOTICES

Grants; availability, etc.:

Library literacy program, 10568

Energy Department

See also Federal Energy Regulatory Commission

NOTICES

Nuclear Waste Policy Act:

Civilian radioactive waste management—
Crystalline Repository Project, draft area
recommendation report; availability, 10568

Engineers Corps

NOTICES

Environmental statements; availability, etc.:

Alma and Bacon County, GA, 10566
Butternut Creek, Dewitt, NY, 10567
Upper Yazoo Basin Mitigation Plan, MS, 10566

Environmental Protection Agency

RULES

Air quality implementation plans; approval and promulgation; various States:
Washington, 10541

PROPOSED RULES

Air pollution; standards of performance for new stationary sources

Industrial surface coating, plastic parts for business machines; VOC emissions
Correction, 10556

Toxic substances:

Testing requirements—
Ethyltoluenes, trimethylbenzenes, and C9 aromatic hydrocarbon fraction, 10557

NOTICES

Air quality; prevention of significant deterioration (PSD):
Permit determinations, etc.—

Region IX, 10570

Pesticide, food, and feed additive petitions:

ICI Americas, Inc., 10570

Federal Aviation Administration

RULES

Airworthiness directives:

Boeing, 10537

Transition areas, 10539

PROPOSED RULES

Rulemaking petitions; summary and disposition, 10553, 10555

(2 documents)

VOR Federal airways, 10553

Federal Communications Commission

RULES

Radio services, special:

Amateur service—

Third-party traffic retransmission, 10546

Private operational-fixed microwave service—

Private carrier systems authorization, 10545

Federal Crop Insurance Corporation

RULES

Crop insurance; various commodities:

Potatoes, 10535

Federal Deposit Insurance Corporation**NOTICES**

Meetings; Sunshine Act, 10599

Federal Election Commission**NOTICES**

Meetings; Sunshine Act, 10599

Federal Emergency Management Agency**RULES**

Flood insurance; communities eligible for sale:
Ohio et al., 10543

Federal Energy Regulatory Commission**NOTICES**

Meetings; Sunshine Act, 10599

Federal Maritime Commission**NOTICES**

Freight forwarder licenses:
Parker & Co. U.S. Customs Brokers et al., 10570

Federal Mine Safety and Health Review Commission**NOTICES**

Meetings; Sunshine Act, 10599

Fish and Wildlife Service**PROPOSED RULES**

Endangered and threatened species:
San Rafael cactus, 10560

Food and Drug Administration**NOTICES**

Food additive petitions:
Dow Chemical Co., 10571
GAF Corp., 10571
Schenectady Chemicals, Inc., 10572
GRAS or prior-sanctioned ingredients:
CPC International, Inc., 10571

Foreign-Trade Zones Board**NOTICES**

Applications, hearings, determinations, etc.:
Indiana, 10564

Forest Service**NOTICES**

Boundary establishment, descriptions, etc.:
Black Hills National Forest, 10564

Health and Human Services Department

See Food and Drug Administration; National Institutes of
Health; Public Health Service

Interior Department

See Fish and Wildlife Service; Land Management Bureau;
Minerals Management Service

Internal Revenue Service**RULES**

Income taxes:
Stock acquisitions; section 338 elections
Correction, 10539

International Development Cooperation Agency

See Agency for International Development

International Trade Commission**NOTICES**

Import investigations:
Indomethacin, 10580
Jalousie and awning windows from El Salvador, 10581
Luggage products, 10580
Non-contact laser precision dimensional measuring
devices and components, 10581

Interstate Commerce Commission**NOTICES**

Railroad services abandonment:
Delaware & Hudson Railway Co., 10582
(2 documents)

Justice Department

See also Justice Programs Office

NOTICES

Pollution control; consent judgments:
Muncie, IN et al., 10583

Justice Programs Office**NOTICES**

Child safety; effects of victimization; hearings, 10583
Meetings:
President's Child Safety Partnership, 10584

Land Management Bureau**NOTICES**

Airport leases:
Nevada, 10576
Conveyance and opening of public lands:
Oregon, 10576
Meetings:
Anchorage and Fairbanks District Advisory Council,
10577
Yuma District Advisory Council, 10577
Oil and gas leases:
Wyoming, 10577
Opening of public lands:
Montana; correction, 10577
Resource management plans:
Arcata Resource Area, CA, 10578
Rio Puerco Resource Area, NM, 10578
Sale of public lands:
Utah, 10578
Transfer of lands:
Arizona, 10577
Withdrawal and reservation of lands:
Oregon, 10578

Mine Safety and Health Federal Review Commission

See Federal Mine Safety and Health Review Commission

Minerals Management Service**NOTICES**

Outer Continental Shelf; development operations
coordination:
Shell Offshore Inc., 10579
Walter Oil & Gas Corp., 10579

National Foundation on Arts and Humanities**NOTICES**

Meetings:
Expansion Arts Advisory Panel, 10584
Inter-Arts Advisory Panel, 10584
Partnership Office Advisory Panel, 10585

Visual Arts Advisory Panel, 10585

National Institutes of Health

NOTICES

Meetings:

- National Cancer Institute, 10573
- National Heart, Lung, and Blood Institute, 10573
- National Institute of Dental Research, 10572
- National Institute of Environmental Health Sciences, 10573
- National Institute of Neurological and Communicative Disorders and Stroke, 10572

National Labor Relations Board

NOTICES

Senior Executive Service:

- Performance Review Boards; membership, 10585

National Oceanic and Atmospheric Administration

RULES

Fishery conservation and management:

- Atlantic mackerel, squid, and butterfly, 10547, 10552
(2 documents)

National Science Foundation

NOTICES

Meetings:

- Atmospheric Sciences Advisory Committee, 10585
- History and Philosophy of Science Advisory Panel, 10586
- Mathematical Sciences Advisory Committee, 10586
- Metabolic Biology Advisory Panel, 10587
- Ocean Sciences Research Advisory Panel, 10587
- Political Science Advisory Panel, 10587
- Social/Cultural Anthropology Advisory Panel, 10587

Nuclear Regulatory Commission

RULES

Production and utilization facilities; domestic licensing:

- Backfitting process for power reactors; workshops, 10536

NOTICES

Environmental statements; availability, etc.:

- Louisiana Power & Light Co., 10590

Organization and functions:

- San Onofre Nuclear Generating Station; local public document room relocation, 10589

Applications, hearings, determinations, etc.:

- Francis Mahon Deaconess Hospital, 10587
- Tennessee Valley Authority, 10590

Postal Rate Commission

NOTICES

Mail classification schedules:

- Third-class preparation requirements, 10590

Post Office closings; petitions for appeal:

- Academy, SD, 10591

Public Health Service

See also Food and Drug Administration; National Institutes of Health

NOTICES

National toxicology program:

- Chemicals nominated for testing, 10574
- Toxicology and carcinogenesis studies—
C.I. Basic Red 9 Monohydrochloride, 10574
- Dichloromethane, 10575

Dimethyl morpholinophosphoramidate, 10575
HC Red No. 3, 10576

Securities and Exchange Commission

NOTICES

Meetings; Sunshine Act, 10599

Self-regulatory organizations; proposed rule changes:

- New York Stock Exchange, Inc., 10592, 10593
(2 documents)

Applications, hearings, determinations, etc.:

- Manage Cash Account Trust, 10591
- Mississippi Power & Light Co., 10591

Soil Conservation Service

NOTICES

Environmental statements; availability, etc.:

- Susanville Ranch, CA, 10564

Textile Agreements Implementation Committee

NOTICES

Export visa requirements; certification, etc.:

- Pakistan, 10565

Transportation Department

See Coast Guard; Federal Aviation Administration

Treasury Department

See also Alcohol, Tobacco and Firearms Bureau;

Comptroller of Currency; Internal Revenue Service

NOTICES

Agency information collection activities under OMB review,

10595, 10596

(4 documents)

Notes, Treasury:

- X-1988 series, 10597

United States Information Agency

NOTICES

Agency information collection activities under OMB review,

10597

Meetings:

- Television Telecommunications Advisory Committee, 10597

Veterans Administration

NOTICES

Environmental statements; availability, etc.:

- Fort Snelling National Cemetery, MN, 10597
- VAMC, Salem, VA, 10598

Meetings:

- Educational Allowances Station Committee, 10598
(2 documents)

Separate Parts in This Issue

Part II

Department of the Treasury, Comptroller of Currency, 10602

Reader Aids

Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

7 CFR	
422.....	10535
911.....	10535
10 CFR	
50.....	10536
12 CFR	
Proposed Rules:	
3.....	10602
14 CFR	
39.....	10537
71.....	10539
Proposed Rules:	
71.....	10553
91 (2 documents).....	10553, 10555
26 CFR	
1.....	10539
27 CFR	
25.....	10540
32 CFR	
199.....	10540
33 CFR	
3.....	10540
40 CFR	
52.....	10541
Proposed Rules:	
60.....	10556
799.....	10557
44 CFR	
64.....	10543
47 CFR	
94.....	10545
97.....	10546
50 CFR	
604.....	10547
655 (2 documents).....	10547, 10552
Proposed Rules:	
17.....	10560

Rules and Regulations

Federal Register

Vol. 51, No. 59

Thursday, March 27, 1986

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

[Docket No. 3271S]

7 CFR Part 422

Potato Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Notice of extension of sales closing date.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) herewith gives notice of the extension of the sales closing date for accepting applications for potato crop insurance in North Carolina and Virginia, effective for the 1986 crop year only. This action is necessary because actuarial material for potatoes has just been received by agents. Additional time is hereby accorded agents to market new and existing potato contracts in those states. The intended effect of this notice is to advise all interested parties of the extension of the sales closing date and to comply with the provisions of the potato crop insurance program with respect to the Manager's authority to extend sales closing dates. The authority for this action is contained in the Federal Crop Insurance Act, as amended.

EFFECTIVE DATE: March 27, 1986.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, DC, 20250, telephone (202) 447-3325.

SUPPLEMENTARY INFORMATION: Under the provisions contained in 7 CFR 422.7, the sales closing date for accepting applications for potato crop insurance in North Carolina and Virginia is March 15. Because actuarial material was delayed in reaching the agents responsible for marketing new and existing contracts,

FCIC is extending the sales closing date in these states.

Under the provisions of 7 CFR 422.7, the sales closing date for accepting applications may be extended by placing the extended date on file in the service office and by publishing a notice in the *Federal Register* upon determination that no adverse selectivity will result from such extension. If adverse conditions develop during such period, FCIC will immediately discontinue acceptance of applications.

Accordingly, pursuant to the authority contained in 7 CFR 422.7, the Federal Crop Insurance Corporation herewith gives notice that the sales closing date for accepting applications for potato insurance in North Carolina and Virginia, is hereby extended through the close of business on March 31, 1986, effective for the 1986 crop year only.

Authority: Secs. 506, 516, Pub. L. 75-430, 52 Stat. 73, 77, as amended (7 U.S.C. 1506, 1516).

Done in Washington, DC, on March 21, 1986.

Edward Hews,

Acting Manager, Federal Crop Insurance Corporation.

[FR Doc. 86-6738 Filed 3-26-86; 8:45 am]

BILLING CODE 3410-08-M

Agricultural Marketing Service

7 CFR Part 911

Limes Grown in Florida; Interim Amendment No. 5 to Rules and Regulations; Daily Pack-Out Reports

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule and opportunity to file comments.

SUMMARY: This interim final rule requires lime handlers to report to the committee the daily pack-out of selected sizes of limes. For the 1986 season, the reporting period will begin with the effective date of this action and end June 1986. Each season thereafter the reports will be provided from March through June. The size and price variation of limes is greatest during the March through June period of the marketing season. Hence, the collection and dissemination of this information should assist growers and handlers in making better harvesting and marketing decisions.

The information collection requirements contained in this interim final rule have been submitted to the Office of Management and Budget for review under § 3504(h) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)) and have been approved by OMB.

DATES: Interim final rule effective March 20, 1986. Comments which are received by April 28, 1986 will be considered prior to issuance of the final rule.

ADDRESSES: Comments should be sent to: Docket Clerk, F&V, AMS, Room 2069-S, U.S. Department of Agriculture, Washington, DC 20250. Two copies of all written material shall be submitted, and they will be made available for public inspection at the office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT:

James B. Wendland, Acting Chief, Marketing Order Administration Branch, F&V, AMS, USDA, Washington, DC 20250. Telephone: (202) 447-5053.

SUPPLEMENTARY INFORMATION: This interim final rule has been reviewed under Secretary's Memorandum 1512-1 and Executive Order 12291 and has been designated a "nonmajor" rule.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service has certified that this action will not have a significant economic impact on a substantial number of small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Agricultural Marketing Agreement Act, and rules proposed thereunder, are unique in that they are brought about through the group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

It is estimated that approximately 26 handlers of limes will be subject to regulation under the Florida Lime Marketing Order during the course of the current season and that the great majority of this group may be classified as small entities. While regulations issued during the season impose some costs on affected handlers, the added burden imposed on small entities by this

amendment, if present at all, is not significant.

Marketing Agreement No. 126 and Order No. 911 regulate the handling of limes grown in Florida. The program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The Lime Administrative Committee, established under the order, is responsible for its local administration.

This action, based upon a recommendation of that committee, will require handlers to provide the committee with pack-out information on specified sizes on a daily basis. Each handler will provide the daily pack-out percentages for sizes 28 and 32, size 42, size 48, size 54, and sizes 63 and 72. These are the most important commercial sizes packed and sold by the industry. This information will be tabulated on a total industry basis and disseminated along with the volume and price report currently distributed to growers and handlers by the committee.

There is a direct relationship between the sizes of limes and prices received by growers and the prices handlers receive in the marketplace. During the months of March through June the price differential is the greatest in the marketing of the various lime sizes. The availability of pack-out information by size will keep growers and handlers better informed of the sizes desired in the marketplace during this critical four month period. This should help the industry maximize shipments and returns and provide consumers with the sizes they desire. Growers will learn which sizes to harvest which should help them improve their returns. At the same time, handlers will be assured of a supply of the desired sizes, and information necessary to help them make better marketing decisions.

Individual handlers already keep pack-out information for use in paying growers. Hence this additional reporting requirement is expected to have little effect on handler costs or their reporting burdens under the program. As a matter of fact, the benefits of disseminating this information throughout the industry are expected to outweigh any increased cost experienced by handlers.

Findings

Based on the unanimous recommendation of the committee, and other information, it is hereby found that the amendment to the rules and regulations, as hereinafter set forth, will tend to effectuate the declared policy of the act.

It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give

preliminary notice and engage in public rulemaking procedure and that good cause exists for not postponing the effective date of this action until 30 days after publication thereof in the *Federal Register* (5 U.S.C. 553). The shipping season for limes has begun. The change in reporting requirements will have maximum usefulness to the industry during the months of March, April, May, and June since it is during this period that the size and price differential is the greatest. The need for compiling and disseminating information on size breakdown is most urgent for the marketing of spring and early summer fruit. This change in the administrative rules and regulations was recommended by unanimous vote of the committee at an open meeting held January 8, 1986. Information regarding this anticipated change has been disseminated among growers and handlers of limes in the production area; moreover, individual handlers already tabulate this information for their own purposes. Hence, compliance with this additional reporting requirement will not require any special preparation on the part of handlers which cannot be completed by the effective date. However, because of the future effect of this action, it is appropriate to request comments on the change before finalizing it.

List of Subjects in 7 CFR Part 911

Marketing agreements and orders, Limes, Florida.

PART 911—LIMES GROWN IN FLORIDA

1. The authority citation for 7 CFR Part 911 continues to read as follows:

Authority: Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674).

2. A new § 911.111 is added to Subpart—Rules and Regulations (7 CFR 911.110-911.160) as follows:

§ 911.111 Pack-out reports.

Beginning March 20, 1986, and continuing thereafter during the months of March, April, May, and June of each year, each handler shall, at the end of each day's operation, report to the committee the percent of that day's pack-out in the following five size categories: (a) sizes 28 and 32, (b) size 42, (c) size 48, (d) size 54, and (e) sizes 63 and 72.

Dated: March 20, 1986.

Joseph A. Gribbin,

Director, Fruit and Vegetable Division,
Agricultural Marketing Service.

[FR Doc. 86-6571 Filed 3-26-86; 8:45 am]

BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

Revision of Backfitting Process for Power Reactors

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of NRC-Sponsored Workshop with Industry to Develop Understanding of the Backfit Process.

SUMMARY: The NRC announces that workshops will be held with industry in four major cities in early 1986, to promote a common understanding of recently revised regulations (10 CFR 50.109) pertaining to backfitting and the NRC processes associated with implementing the regulations. The meetings are open to the public.

Each workshop will be hosted by an NRC regional office, and the participants will include senior NRC staff and representatives of the regulated industry. Attendance of senior level corporate managers, as well as licensing managers and plant site managers is encouraged. NRC attendees will include senior managers from both headquarters offices and regional offices. NRC and industry speakers will make presentations.

DATES: The dates of the workshops are listed in Supplementary Information.

ADDRESSES: The locations of the workshops are listed in Supplementary Information.

FOR FURTHER INFORMATION CONTACT: Thomas H. Cox, Regional Operations and Generic Requirements Staff, U.S. Nuclear Regulatory Commission, 301-492-4357.

SUPPLEMENTARY INFORMATION: The workshop agenda has been developed in preliminary form and is as follows:

Introduction
Development of Backfit Rule
Content of the Backfit Rule
Implementation of the Backfit Rule and NRC Manual Chapter 0514
Legal Issues
Panel Discussion

All workshops will begin at 9 a.m. Dates and locations of the meetings are listed below:

Date and Location of Meeting

April 29, 1986—AMFAC Hotel, P.O. Box 612025, Dallas, TX 75261, 214-453-8400

May 8, 1986—Sheraton Valley Forge Hotel, Route 363 and First Ave., King of Prussia, PA 19406, 215-337-2000

May 14, 1986—Omni International Hotel,
One Omni International, Atlanta, GA
30335, 404-659-0000

May 22, 1986—Sheraton International at
O'Hare, 6810 North Mannheim Rd.
Chicago, IL 60018, 312-297-1234

Dated at Bethesda, MD, this 20th day of
March 1986.

For the Nuclear Regulatory Commission.

James H. Sniezek,

Acting Deputy Executive Director, Regional
Operations and Generic Requirements.

[FR Doc. 86-6660 Filed 3-26-86; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 86-NM-22-AD; Amdt. 39-5261]

Airworthiness Directive; Boeing Model 767 Series Airplanes

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Final rule, Request for
Comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) applicable to Boeing Model 767 series airplanes, equipped with certain PICO, Inc., emergency evacuation slides, which requires inspection of those slides to ensure integrity of air chamber seams. This AD is prompted by reports of seam separation discovered during scheduled emergency evacuation slide inspections. This condition, if uncorrected, would result in deflation of the air chambers of the slide tubes and possible collapse of the evacuation slide, jeopardizing successful evacuation of the airplane.

DATES: Effective April 15, 1986.

Comments must be received by April 15, 1986.

ADDRESSES: The applicable service information may be obtained from PICO, Inc., 15350 Stafford Street, City of Industry, California 91744. This information may be examined at the Federal Aviation Administration (FAA), Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at the Western Aircraft Certification Office, 15000 Aviation Boulevard, Hawthorne, California.

Comments should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Directives Rules Docket No. 86-NM-22-AD, 17900 Pacific

Highway South, Seattle, Washington, 98168.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert Stacho, Aerospace Engineer, Systems & Equipment Section, ANM-173W, FAA, Northwest Mountain Region, Western Aircraft Certification Office; telephone (213) 297-1387. Mailing address: FAA, Northwest Mountain Region, Western Aircraft Certification Office, ANM-173W, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009-2007.

SUPPLEMENTARY INFORMATION: There has been a report by an operator that during inspection and overhaul of the PICO off-wing emergency evacuation slide, which is installed on Boeing Model 767 airplanes, air chamber seam separation occurred on three slide units. These slides are designed with dual inflatable compartments, and a seam failure will cause the slide to lose at least one-half of its air retention capability. In one instance, the operator reported that both air chambers of the slide tubes blew out due to seam failure, leaving the slide unusable in the inflated mode. Further investigation revealed seven other instances of seam failure during overhaul of PICO slides, for a total of ten known seam separations.

Seven of the ten known failures occurred on slides approximately three years from the date of manufacture. The other three failures occurred within six months of the manufacture date. Of the ten known seam failures, five have occurred on off-wing slides, four occurred on type "A" door slides, and one occurred on a slide/raft. The off-wing slide, the type "A" door slide, and the slide/raft are all constructed using the same basic design concepts and manufacturing process.

Note.—Hereafter, the off-wing slide, the type "A" door slide, and the slide/raft configurations will be referred to as "slides," unless a specific configuration must be identified.

PICO has manufactured approximately 1,000 evacuation slides to date.

All slides are proof tested to 1.5 times the normal operating pressure, are functionally tested, and have an air retention test prior to leaving the PICO facility. In addition, all slides are functionally tested at Boeing prior to delivery of the aircraft. Several of the failures occurred after the slides were inflated as many as five times in addition to the PICO and Boeing testing. Other slides were on the first overhaul cycle by the operator when the failure occurred. All seam failures, except one, occurred during shop overhaul, but these slides were in service prior to the

failure. One failure occurred in 1982 during qualification testing at Boeing.

Investigation of two slide units which had seam failure revealed the failure mode initiated in the seam adhesive rather than in the slide material itself. Examination of the failed seams indicated that seams may have been assembled with a low tack condition of the adhesive and low rolling pressure during assembly. Assembly with the adhesive under low tack conditions can produce an inadequate seam. Seams assembled under low tack condition of the adhesive are called "dry seams." Since nine failures have occurred on slides in service, and these problems did not surface during testing by PICO or Boeing, it appears that the number of inflations or time-in-service may have an effect on the seam failures for slides which were manufactured with dry seams. All slides which failed were manufactured between June 1982 and March 1983.

The FAA is concerned that there may be slides on aircraft in service that may fail on the next inflation. If the slide fails during an actual emergency evacuation, the safe evacuation of the occupants of the aircraft could be jeopardized. The FAA has determined from data received from PICO and Boeing, that slides manufactured prior to June 1983 are most suspect, and inflation and inspection of these slides would remove any defective slides from service. The FAA has also determined that a sampling program is not sufficient to ensure the integrity of all slides and that all slides manufactured between July 1983 and January 1986 must also be inspected.

This AD identifies three groups of slides (categorized by date of manufacture) and requires different compliance times for inspection for each group, based on data received from both PICO and Boeing. The first group is those slides manufactured prior to June 1983, and must be inspected within 30 days after the effective date of this AD. The second group is those manufactured between July 1983 and January 1986, and must be inspected within 120 days after the effective date of this AD. The third group is any slide in the above two groups which has been inflated and inspected within the last year prior to the effective date of this AD. The slides in this third group must be inflated and inspected in accordance with PICO Service Bulletin 101623/30/51/54/55-25-130, dated February 6, 1986, within 18 months after the date of the last inflation and inspection. Any slide manufactured after January 1986 is exempt from this AD. Any seam

separation or slide failure discovered during these required inflations and inspections must be reported to the Manager, Western Aircraft Certification Office, FAA, Northwest Mountain Region. Any defective slide discovered during these inflation and inspection must be replaced or repaired before further flight in accordance with the applicable PICO Component Maintenance Manual. (The reporting requirements of this AD are approved by the Office of Management and Budget under OMB No. 2120-0056.)

The FAA has determined that the required inflations and inspections will identify obvious defective seams on slides now in service; however, the long-term effect on marginal seams and the ability to inspect and identify these seams is not known at this time. Therefore, the AD requires a repetitive inspection at intervals not to exceed 18 months.

Since this condition is likely to exist on other airplanes of the same type design equipped with these slides, an airworthiness directive is being issued which requires inflation, inspection, and repair of these slides in accordance with the applicable PICO, Inc., service bulletins.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedures hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Although this action is in the form of a final rule, which involves an emergency and, thus, was not preceded by notice and public procedure, interested persons are invited to submit such written data, views, or arguments as they may desire regarding this AD. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Directive Rules Docket No. 86-NM-22-AD, 17900 Pacific Highway South, Seattle, Washington 98168. All communications received before this date will be considered by the Administrator, and the AD may be changed in light of the comments received.

The FAA has determined that this regulation is an emergency regulation that is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an

unsafe condition in aircraft equipment. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required).

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations as follows:

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a); 1421 and 1423; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); 14 CFR 11.89.

2. By adding the following new airworthiness directive:

Boeing: Applies to Boeing Model 767 airplanes, certificated in any category, equipped with the following PICO, Inc., emergency evacuation slides:

Part No.	Serial No.
101623-()	B23-001 thru and including B23-383
101630-()	B101-001 thru and including B101-140 B102-001 thru and including B102-143
101651-()	B51-001 thru and including B51-291
101654-()	L54-001 thru and including L54-041 R54-001 thru and including R54-038
101655-()	L55-001 thru and including L55-032 R55-001 thru and including R55-031
101656-()	L56-001 thru and including L56-013 R56-001 thru and including R56-012

Note.—Empty parentheses indicate any number.

Compliance is required as indicated in the body of the AD, unless previously accomplished.

To prevent the failure of the emergency evacuation slides accomplish the following:

A. For airplanes equipped with PICO, Inc., emergency evacuation slides manufactured prior to June 30, 1983, within 30 days after the effective date of this AD, unless the slide has been inflated and inspected within the last one year prior to the effective date of this AD in accordance with applicable PICO Component Maintenance Manual Numbers, 25-61-20, 25-61-21, or 25-62-22, all dated April 1, 1985, or PICO Service Bulletin No. 101623/30/51/54/55-25-130, dated February 6, 1986, conduct inflation and inspection of the emergency evacuation slides AD in accordance with PICO Service Bulletin No. 101623/30/51/54/55-25-130, dated February

6, 1986, or later revision approved by the Manager, Western Aircraft Certification Office, FAA, Northwest Mountain Region.

B. For airplanes equipped with PICO, Inc., emergency evacuation slides manufactured between July 1, 1983, and January 31, 1986, within 120 days after the effective date of this AD, unless the slide has been inflated and inspected within the last one year prior to the effective date of this AD, in accordance with the applicable PICO Component Maintenance Manual Numbers 25-61-20, 25-61-21 or 25-61-22, all dated April 1, 1985, or PICO Service Bulletin No. 101623/30/51/54/55-25-130, dated February 6, 1986, conduct an inflation and inspection of the emergency evacuation slides in accordance with PICO Service Bulletin No. 101623/30/51/54/55-25-130, dated February 6, 1986, or later revision approved by the Manager, Western Aircraft Certification Office, FAA, Northwest Mountain Region.

C. For airplanes equipped with slides not inspected in accordance with paragraph A. or B. of this AD, those slides must be inflated and inspected in accordance with PICO Service Bulletin No. 101623/30/51/54/55-25-130 dated February 6, 1986, or later revision approved by Manager, Western Aircraft Certification Office, FAA, Northwest Mountain Region, within 18 months from the date of the last inflation and inspection.

D. Repeat the inflation and inspection specified in paragraphs A., B., and C. of this AD at intervals not to exceed 18 months.

E. Any defective slide discovered during accomplishment of paragraphs A., B., C., or D. of this AD must be replaced or repaired, prior to next flight, in accordance with Repair Section of applicable PICO Component Maintenance Manual Number 25-61-20, 25-61-21, or 25-61-22, all dated April 1, 1985, or later revision approved by the Manager, Western Aircraft Certification Office, FAA, Northwest Mountain Region.

F. Report any seam separation or slide failure discovered during accomplishment of paragraphs A., B., C., or D. of this AD to the Manager, Western Aircraft Certification Office, FAA, Northwest Mountain Region.

G. The inspection intervals of paragraph D. of this AD may be adjusted by the Manager, Western Aircraft Certification Office, FAA, Northwest Mountain Region, based on the results of accomplishment of paragraphs A., B., and C. of this AD, or any other substantiating data submitted to justify a change.

H. Alternate means of compliance which provide an acceptable level of safety may be used when approved by the Manager, Western Aircraft Certification Office, FAA, Northwest Mountain Region.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to PICO, Inc., 15350 Stafford Street, City of Industry, California 91744. These documents may be

examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at the Western Aircraft Certification Office, 15000 Aviation Boulevard, Hawthorne, California.

This amendment becomes effective April 15, 1986.

Issued in Seattle, Washington, on March 17, 1986.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 86-6617 Filed 3-26-86; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 85-AGL-22]

Alteration of Transition Area; Manitowoc, WI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this action is to alter the Manitowoc, Wisconsin, transition area to accommodate a new ILS Runway 17 instrument approach procedure to Manitowoc County Airport.

The intended effect of this action is to ensure segregation of the aircraft using approach procedures in instrument conditions from other aircraft operating under visual weather conditions controlled airspace.

EFFECTIVE DATE: 0901 G.m.t., July 3, 1986.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace, Procedures, and Automation Branch, Air Traffic Division, AGL-530, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-7360.

History

On Monday, January 27, 1986, the Federal Aviation Administration (FAA) proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the Manitowoc, Wisconsin, transition area (51 FR 3341).

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6B dated January 2, 1986.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations alters the Manitowoc, Wisconsin, transition area to accommodate a new ILS Runway 17 instrument approach procedure to Manitowoc County Airport.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

PART 71—[AMENDED]

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration (FAA) proposes to amend Part 71 of the FAR (14 CFR Part 71) as follows:

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

2. By amending § 71.181 as follows:

Manitowoc, Wisconsin

That airspace extending upward from 700 feet above the surface within 9.5 miles west and 5 miles east of the Manitowoc VOR 349 radial and 169 radial extending from 2 miles south to 13 miles north of the VOR, then within 5 miles west and 5 miles east of the Manitowoc VOR 349 radial extending from the 13 miles north of the VOR point to 23 miles north of the VOR. Also, within 9.5 miles west and 5 miles east of the Manitowoc VOR 176 radial extending from the VOR to 12 miles south of the VOR.

Issued in Des Plaines, Illinois, on March 12, 1986.

Peter H. Salmon,

Acting Manager, Air Traffic Division.

[FR Doc. 86-6545 Filed 3-26-86; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 8068]

Income Taxes; Stock Acquisitions; Temporary Regulations; Extension of Time To Make Elections

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to temporary regulations.

SUMMARY: This document contains corrections to Treasury Decision 8068 which was published in the *Federal Register* on January 8, 1986 (51 FR 741). T.D. 8068 issued temporary regulations relating to section 338(h)(10) of the Internal Revenue Code of 1954 as added by the Technical Corrections Act of 1982. T.D. 8068 also extended the time for making certain elections under section 338.

EFFECTIVE DATE: These corrections are effective January 8, 1986.

FOR FURTHER INFORMATION CONTACT: Patricia Wendlandt of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224 (Attn: CC:LR:T). Telephone 202-566-3458 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

On January 8, 1986, the *Federal Register* published (51 FR 741) Treasury Decision 8068 which set forth temporary regulations relating to section 338(h)(10) of the Internal Revenue Code and extending the time for making certain elections under section 338. The text of the temporary regulations also served as the text for a notice of proposed rulemaking that was published at page 763 in the proposed rules section of the same issue of the *Federal Register*.

Need for Correction

As published, T.D. 8068 contains two typographical errors and two omissions. On page 745, second column, an indicator X was omitted from the third column of the table in the line opposite subunit (g). On page 747, second column, the formula and calculations for MADSP were inadvertently designated as subparagraph (B), and the subparagraph that should have been designated (B) was designated (C) instead. On page 748, first column, *Example (1)* (i), line 6, the word "a" was omitted.

Correction of Publication

Accordingly, the publication of Treasury Decision 8068, which was the subject of FR Doc. 86-60, is corrected as follows:

§ 1.338 [Corrected]

Paragraph 1. In § 1.338 (h)(10)-1T, on page 745, second column, paragraph (e)(8)(i), in the applicable-irrelevant table, in the line associated with subunit (g), the sequence of periods is removed from the "Irrelevant to this section" column and an indicator X is added in that column.

Par. 2. In § 1.338 (h)(10)-1T, on page 747, second column, paragraph (g), *Example (7)(iii)*, the subparagraph indicator "(B)" that immediately precedes the language "MADSP=G+L+X" is removed, and subparagraph (C) is redesignated subparagraph (B).

Par. 3. In § 1.338(h)(10)-1T, on page 748, first column, paragraph (j)(5), *Example (1)(i)*, the language "has a basis of \$200 and fair market value of" is removed and the language "has a basis of \$200 and a fair market value of" is added in its place.

Paul A. Francis,

Acting Director, Legislation and Regulations Division.

[FR Doc. 86-6797 Filed 3-26-86; 8:45 am]

BILLING CODE 4830-01-M

Bureau of Alcohol, Tobacco and Firearms**27 CFR Part 25**

[T.D. ATF-224]

Beer; Correction

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Final rule, Treasury decision; correction.

SUMMARY: This document corrects errors made in T.D. ATF-224, published in the Federal Register of March 5, 1986 at 51 FR 7666.

EFFECTIVE DATE: May 1, 1986.

FOR FURTHER INFORMATION CONTACT: John A. Linthicum, FAA, Wine and Beer Branch, (202) 566-7626.

SUPPLEMENTARY INFORMATION: The following corrections refer to the Federal Register of March 5, 1986, Vol. 51, No. 43.

In the right-hand column of page 7674, in § 25.3(c), replace the word "Agnus" with the word "Angus".

§ 25.5 [Corrected]

In the left-hand column of page 7675, in the first sentence of § 25.5(f), replace "1512-0323" with "1512-0333", so that this number conforms with the number in the paragraph heading.

§ 25.73 [Corrected]

In the middle column of page 7679, in § 25.73(b)(3), replace the word "if" with the word "is".

Signed: March 21, 1986.

W.T. Drake,

Acting Director.

[FR Doc. 86-6769 Filed 3-26-86; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF DEFENSE**Office of the Secretary****32 CFR Part 199**

[DoD 6010.8-R]

Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)

AGENCY: Office of the Secretary, DoD.

ACTION: Corrections to Final rule.

SUMMARY: This document corrects erroneously issued amendment numbers for DoD 6010.8-R contained in the amendments to the Final Rules for the vision care benefit, published May 31, 1985 (50 FR 23121), the modification of the nonavailability statement requirements when the beneficiary has primary coverage provided by another insurance plan or program, published May 31, 1985 (50 FR 23120) and the revision of the Appeals and Hearings chapter, published June 3, 1985 (50 FR 23300). These issuances were originally published, in the heading, as amendments 26, 27, and 28, respectively. They should have been published as amendments 30, 31, and 32, respectively.

FOR FURTHER INFORMATION CONTACT: Charles E. Guidice, Policy Branch, OCHAMPUS, Aurora, Colorado 80045, telephone (303) 361-3586.

Accordingly, the following corrections should be made:

1. Change 6010.8-R, Amdt. No. 26 to read "6010.8-R, Amdt. No. 30."
2. Change 6010.8-R, Amdt. No. 27 to read "6010.8-R, Amdt. No. 31."
3. Change 6010.8-R, Amdt. No. 28 to read "6010.8-R, Amdt. No. 32."

Dated: March 21, 1986.

Linda M. Lawson,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 86-6716 Filed 3-26-86; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF TRANSPORTATION**Coast Guard****33 CFR Part 3**

[CGD 86-004]

Establishment of Long Island Sound Captain of the Port Zone

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This rule consolidates the present New Haven and New London Captain of the Port (COTP) Zones into a new Long Island Sound COTP Zone. It is necessary to align the Coast Guard Group and COTP boundaries in Long Island Sound. This rule is intended to simplify Coast Guard organization. It will improve efficiency and eliminate the confusion of the marine industry, by providing a single COTP for Long Island Sound.

EFFECTIVE DATE: October 1, 1986.

FOR FURTHER INFORMATION CONTACT: Lieutenant Michael V. Franchini, Project Manager, Office of Marine Environment and Systems, telephone 202-426-9578. Normal working hours are between 7:00 a.m. and 3:30 p.m. Monday through Friday, except holidays.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was not prepared for this regulation. These amendments are matters relating to agency organization and are exempt from the notice of proposed rulemaking requirements in 5 U.S.C. 553(b). The rulemaking merely aligns the Coast Guard Group and COTP boundaries in Long Island Sound. The only effect on the public will be working with one COTP instead of two COTPs.

Drafting Information

The principal person involved in drafting this proposed rulemaking are Lieutenant Michael V. Franchini, Project Manager, of the Office of Marine Environment and Systems, and Lieutenant Sandra R. Sylvester, Project Counsel, of the Office of Chief Counsel.

Discussion

Currently, the New Haven COTP Zone consists of the area from the New York-Connecticut border eastward to approximately 13 miles east of New Haven. The New London COTP Zone consists of the remainder of eastern Long Island Sound to the Connecticut-Rhode Island border. The Group Long Island Sound Zone is the same area as the combined New Haven and New London COTP zones. Group Long Island Sound has search and rescue and law

enforcement responsibilities over this area, while the New Haven and New London COTPs have the port and environmental safety and port security responsibilities.

The new Long Sound COTP will replace the New Haven and New London COTPs and will have the same boundaries as Group Long Island Sound. Coast Guard search and rescue, law enforcement, port and environmental safety, and port security activities in the area will not be affected by this rulemaking. The Long Island Sound COTP Office will be located with the Group Office in New Haven, Connecticut and a Port Safety Detachment will be located with the Coast Guard station in New London, Connecticut.

This rule will improve the efficiency and coordination of the Coast Guard in Long Island Sound. Vessels operating in Long Island Sound will only have to work with one COTP. For example, they will report advance notices of arrival to one COTP, instead of two.

Regulatory Evaluation

This final rule is exempt from the provisions of Executive Order 12291 since it pertains to matters of agency organization as provided in section 1(a)(3) of the Order. It is considered to be nonsignificant under DOT regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this final rule has been found to be so minimal that further evaluation is unnecessary. Coast Guard search and rescue, law enforcement, port and environmental safety, and port security activities in the area will not be affected by this rulemaking. Vessel owners and operators will coordinate their activities in Long Island Sound with only one COTP. Since the impact of this final rule is expected to be minimal, the Coast Guard certifies that it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 3

Marine safety, Organization and functions (government agencies).

PART 3—[AMENDED]

In consideration of the preceding, Part 3 of Title 33 of the Code of Federal Regulations is amended as follows:

1. The authority citation for Part 3 is revised to read as follows and all other authority citations in Part 3 are removed.

Authority: 14 U.S.C. 633; 49 CFR 1.45, 1.46.

2. Section 3.15-55 is revised to read as follows:

§ 3.15-55 Long Island Sound Captain of the Port Zone.

(a) The Long Island Sound Captain of the Port Office is located in New Haven, Connecticut.

(b) The Long Island Sound Captain of the Port Zone starts at Watch Hill Light, Rhode Island; thence southeasterly along a line bearing 150° T. from Watch Hill Light to 41°10.0' N. latitude, 71°45.2' W. longitude; thence due west to the eastern end of Plum Island at 72°11.8' W. longitude; thence westerly along the southern shoreline of Plum Island to 41°10.0' N. latitude, 72°12.1' W. longitude; thence westerly to Orient Point Light; thence southwesterly along the northern shoreline of Long Island-New York to 73°00.0' W. longitude; thence due south to 40°49.5' N. latitude; thence southwesterly to 40°41.5' N. latitude, 73°38.2' W. longitude; thence north to the north shore of Long Island at Dosoris Island at 40°53.7' N. latitude, 73°38.2' W. longitude; thence north-northwesterly to the southern shore of Manursing Island at 40°58.0' N. latitude, 73°40.0' W. longitude; thence north to the Connecticut-New York boundary at 41°01.5' N. latitude, 73°40.0' W. longitude; thence northerly along the western boundary of Connecticut to the Massachusetts boundary; thence eastward along this boundary, including the waters of the Congamond Lakes, to the Rhode Island boundary; thence southerly along the Connecticut-Rhode Island boundary, excluding the waters of Beach Pond, to 41°22.6' N. latitude, 71°50.0' W. longitude at Westerly, Rhode Island; thence in a southerly direction along the east shore of the Pawcatuck River to Watch Hill Light.

§ 3.15-57 [Removed]

3. Section 3.15-57 is removed.

Dated: March 24, 1986.

Peter J. Rots,

Rear Admiral, U.S. Coast Guard Chief, Office of Marine Environment and Systems.

[FR Doc. 86-6761 Filed 3-26-86; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-10-FRL-2988-9]

Approval and Promulgation of State Implementation Plan: Washington

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: By this notice, EPA is approving the State Implementation Plan (SIP) revision submitted on September 27, 1984, by the State of Washington Department of Ecology (WDOE) pursuant to the requirements of Part D of the 1977 Clean Air Act (hereafter referred to as the Act). In today's action, EPA is approving the addition of an inspection and maintenance (I/M) program to the existing plan because this addition strengthens the control requirement contained in the SIP. The I/M program began on July 1, 1985, and is enforced through vehicle registration. With this approval by EPA, the Spokane I/M program will become a federally enforceable part of the SIP as required by the Act.

EFFECTIVE DATE: May 27, 1986.

ADDRESSES: Copies of the materials submitted to EPA may be examined during normal business hours at:

Public Information Reference Unit,
Environmental Protection Agency, 401
M Street SW., Washington, DC 20460
Air Programs Branch (10A-85-9),
Environmental Protection Agency,
1200 Sixth Avenue, Seattle,
Washington 98101

State of Washington, Department of
Ecology, 4224—Sixth Avenue
Southeast, Rowe Six, Building #4,
Lacey, Washington 98504.

Copy of the State's submittal may be examined at: The Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, DC.

FOR FURTHER INFORMATION CONTACT:

Loren McPhillips, Air Programs Branch,
M/S 532, Environmental Protection
Agency, 1200 Sixth Avenue, Seattle,
Washington 98101. Telephone: (206) 442-
4233, FTS: 399-4233.

SUPPLEMENTARY INFORMATION:

I. Background

In 1979 the Spokane Regional Planning Conference prepared a carbon monoxide (CO) attainment strategy for the greater Spokane area as required by the Act. That plan was approved by EPA on March 22, 1982 (47 FR 12166). Basically, the plan required the expeditious implementation of several measures including transit improvements and a parking ban. These measures were projected to bring the Spokane area into attainment prior to December 31, 1982. The plan also included a provision for an I/M program contingent upon the attainment of the CO standard by the end of 1982.

Air quality monitoring data collected in 1983 and 1984 clearly demonstrated that, in spite of the implementation of

the adopted control strategies, the Spokane area did not attain the CO standards as projected. According to the State of Washington legislation, the state rules and regulations for I/M, and the contingency provision contained in the original SIP, and I/M program is now required in the Spokane area. After conducting a series of public hearings, WDOE proposed and adopted the specific language necessary to implement an I/M program in Spokane in order to fulfill these requirements.

II. I/M Program Design

A mandatory I/M program in the Spokane started on July 1, 1985. The program is operated by a local contractor and is basically identical to the program in Seattle. The program design meets all the EPA requirements for program effectiveness and is enforced through vehicle registration. Essentially, the vehicles that are registered in the identified zip codes must successfully pass an emission test or receive a repair waiver (spend more than \$50 on repairs) in order to be registered by the state. WDOE is responsible for the quality assurance aspects of the program and conducts routine calibration checks of the emission analyzers. A detailed program description is contained in the Washington SIP and can be reviewed at the locations mentioned in the "Addresses Section".

III. Response to Comments

On July 15, 1985 (50 FR 28598), EPA proposed approval of the addition of the I/M program to the Spokane CO plan. No comments were received during the comment period which ended on August 14, 1985.

IV. Final Rulemaking Action

With this action, EPA is approving the addition of a mandatory vehicle inspection and maintenance program to the current CO plan for the Spokane area. This approval is based on review of the SIP revision submitted by WDOE to EPA on September 27, 1984, and the technical support document submitted to EPA by WDOE on January 11, 1985, and a technical support document created by EPA on April 4, 1985. EPA has taken this action because it strengthens the control requirements contained in the original SIP. The state has also agreed to complete by mid-1986, a re-analysis of the attainment date based upon the latest air quality data. Additional controls may be necessary depending on the outcome of that analysis.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Under 5 U.S.C. 605(b), I certify that this revision will not have a significant economic impact on a substantial number of small entities (See 46 FR 8709).

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 27, 1986. This action may not be challenged later in proceedings to enforce its requirements (See section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: March 10, 1986.

Lee M. Thomas,
Administrator.

Note.—Incorporation by reference of the Implementation Plan for the State of Washington was approved by the Director of the Office of Federal Register on July 1, 1982.

Title 40, Part 52 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

Subpart WW—Washington

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7642.

2. Section 52.2470 is amended by adding paragraph (c)(34) as follows:

§ 52.2470 Identification of plan.

(c) ***

(34) A revision to the Washington State Implementation Plan was submitted by the Director of the Washington Department of Ecology on September 27, 1984. The revision adds a mandatory Vehicle Inspection and Maintenance program to the Spokane Carbon Monoxide Plan.

(i) Incorporation by reference.

(a) Amendments to Chapter 173-422 Washington Administrative Code, Motor Vehicle Emission Inspection, which was published on April 18, 1984.

(ii) *Additional material.* (a) Technical Support Document as prepared by the Washington State Department of Ecology in support of approval dated January 11, 1985.

2. In Section 52.2478, the table is revised to read as follows:

§ 52.2478 Attainment dates for national standards.

Air quality control region and nonattainment areas	Pollutant				NO _x	CO	O ₃
	TSP		SO ₂				
	1st	2nd ⁽²⁾	1st ⁽¹⁾	2nd ²			
Eastern WA-Northern Idaho Interstate AQCR (WA portion):							
1. Spokane area.....	c	h	b	b	b	c	b
2. Clarkston area.....	c	h	b	b	b	b	b
3. Remainder of AQCR.....	b	b	b	b	b	b	b
Olympic-Northwest Intrastate:							
1. Port Angeles area.....	a	c	b	b	b	b	b
2. Remainder of AQCR.....	b	b	b	b	b	b	b
Portland, Oregon-Vancouver, WA Interstate AQCR (WA portion):							
1. Vancouver area.....	c	h	b	b	b	b	g
2. Longview area.....	a	h	b	b	b	b	b
3. Remainder of AQCR.....	b	b	b	b	b	b	b
Puget Sound Intrastate AQCR:							
1. Seattle Area							
Duwamish area.....	c	h	b	b	b	b	d
Central Business District.....	b	b	b	b	b	f	d
University District.....	b	b	b	b	b	e	d
Dearborn Street and Rainier Ave. Corridor.....	b	b	b	b	b	f	d
Remainder of Seattle area.....	b	b	b	b	b	b	d
2. Bellevue CBD.....	b	b	b	b	b	f	d
3. Kent area.....	a	h	b	b	b	b	d
4. Renton area.....	a	h	b	b	b	b	d
5. Tacoma area.....	c	h	b	b	b	f	d

Air quality control region and nonattainment areas	Pollutant				NO ₂	CO	O ₃
	TSP		SO ₂				
	1st	2nd ²	1st ¹	2nd ²			
6. Seattle-Tacoma O ₃ area							d
7. Remainder of AQCR	b	b	b	b	b	b	b
South Central Washington Intrastate AQCR:							
1. Yakima area	b	b	b	b	b	c	b
2. Remainder of AQCR	b	b	b	b	b	b	b

¹ 1st—Primary.² 2nd—Secondary.

a. Air quality levels presently below primary standards.

b. Air quality levels presently below secondary standards or area is unclassifiable.

c. December 31, 1982.

d. July 31, 1984.

e. November 1, 1985.

f. January 1, 1986.

g. December 31, 1987.

h. Attainment date not established.

i. February 28, 1987.

[FR Doc. 86-6748 Filed 3-26-86; 10:17 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA-6704]

Suspension of Community Eligibility; Ohio et al.

AGENCY: Federal Emergency
Management Agency, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If FEMA receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the *Federal Register*.

EFFECTIVE DATES: The third date ("Susp.") listed in the fourth column.

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, (202) 646-2717, 500 C Street, Southwest, FEMA, Room 416, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance

coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128) unless an appropriate public body shall have adopted adequate floodplain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities are suspended on the effective date in the fourth column, so that as of that date flood insurance is no longer available in the community. However, those communities which, prior to the suspension date, adopt and submit documentation of legally enforceable flood plain management measures required by the program, will continue their eligibility for the sale of insurance. Where adequate documentation is received by FEMA, a notice withdrawing the suspension will be published in the *Federal Register*.

In addition, the Director of Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fifth column of the table. No direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood-prone areas. (Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Director finds that notice and

public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified. Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. For the same reasons, this final rule may take effect within less than 30 days.

Pursuant to the provision of 5 U.S.C. 605(b), the Administrator, Federal Insurance Administration, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. As stated in section 2 of the Flood Disaster Protection Act of 1973, the establishment of local floodplain management together with the availability of flood insurance decreases the economic impact of future flood losses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to (adopt) (enforce) adequate floodplain management, thus placing itself in noncompliance of the Federal standards required for community participation. In each entry, a complete chronology of effective dates appears for each listed community.

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

1. The authority citation for Part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 et. seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

2. Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date ¹
Region V					
Ohio	Cuyahoga County, unincorporated areas	390766B	Oct. 4, 1979, Emerg.; Apr. 2, 1986, Reg.; Apr. 2, 1986, Susp.	Jan. 30, 1981 and Apr. 2, 1986	Apr. 2, 1986
Do	Marysville, city of, Union County	390548C	Apr. 30, 1975, Emerg.; Apr. 2, 1986, Reg.; Apr. 2, 1986, Susp.	Mar. 22, 1974, Aug. 27, 1976, May 18, 1979, and Apr. 2, 1986	Do.
Region I—Minimal Conversions					
New Hampshire	New Hampton, town of, Belknap County	330007B	May 14, 1976, Emerg.; Apr. 2, 1986, Reg.; Apr. 2, 1986, Susp.	Mar. 8, 1974, Dec. 3, 1976, Apr. 2, 1986	Do.
Do	Aistead, town of, Cheshire County	330020B	July 2, 1975, Emerg.; Apr. 2, 1986, Reg.; Apr. 2, 1986, Susp.	July 26, 1974, Jan. 7, 1977, and Apr. 2, 1986	Do.
Do	Marlow, town of, Cheshire County	330025B	Nov. 3, 1975, Emerg.; Apr. 2, 1986, Reg.; Apr. 2, 1986, Susp.	Sept. 13, 1974, and May 10, 1977, Apr. 2, 1986	Do.
Do	Shelburne, town of, Coos County	330037A	Apr. 7, 1976, Emerg.; Apr. 2, 1986, Reg.; Apr. 2, 1986, Susp.	Nov. 29, 1974 and Apr. 2, 1986	Do.
Do	Stark, town of, Coos County	330038B	Mar. 30, 1976, Emerg.; Apr. 2, 1986, Reg.; Apr. 2, 1986, Susp.	Nov. 29, 1974, Dec. 3, 1976 and Apr. 2, 1986	Do.
Do	Ashland, town of, Grafton County	330042B	June 4, 1975, Emerg.; Apr. 2, 1986, Reg.; Apr. 2, 1986, Susp.	June 28, 1974, Oct. 31, 1975, Apr. 2, 1986	Do.
Do	Campton, town of, Grafton County	330048B	Mar. 2, 1976, Emerg.; Apr. 2, 1986, Reg.; Apr. 2, 1986, Susp.	Apr. 5, 1974, Sept. 17, 1976 and Apr. 2, 1986	Do.
Do	Easton, town of, Grafton County	330051A	Aug. 8, 1975, Emerg.; Apr. 2, 1986, Reg.; Apr. 2, 1986, Susp.	Nov. 8, 1974 and Apr. 2, 1986	Do.
Do	Hebron, town of, Grafton County	330058A	Mar. 22, 1976, Emerg.; Apr. 2, 1986, Reg.; Apr. 2, 1986, Susp.	Jan. 3, 1975 and Apr. 2, 1986	Do.
Do	Lyman, town of, Grafton County	330066B	Oct. 15, 1976, Emerg.; Apr. 2, 1986, Reg.; Apr. 2, 1986, Susp.	Mar. 11, 1977 and Apr. 2, 1986	Do.
Do	Piermont, town of, Grafton County	330071A	Mar. 22, 1976, Emerg.; Apr. 2, 1986, Reg.; Apr. 2, 1986, Susp.	Feb. 21, 1975 and Apr. 2, 1986	Do.
Do	Sugar Hill, town of, Grafton County	330074B	Sept. 15, 1975, Emerg.; Apr. 2, 1986, Reg.; Apr. 2, 1986, Susp.	Aug. 23, 1974, Dec. 10, 1976, and Apr. 2, 1986	Do.
Do	Thornton, town of, Grafton County	330075B	July 18, 1975, Emerg.; Apr. 2, 1986, Reg.; Apr. 2, 1986, Susp.	June 28, 1974, Mar. 25, 1977, and Apr. 2, 1986	Do.
Do	Andover, town of, Merrimack County	330104B	May 12, 1976, Emerg.; Apr. 2, 1986, Reg.; Apr. 2, 1986, Susp.	June 28, 1974, Nov. 8, 1977, and Apr. 2, 1986	Do.
Do	Nottingham, town of, Rockingham County	330137C	Feb. 13, 1976, Emerg.; Apr. 2, 1986, Reg.; Apr. 2, 1986, Susp.	June 28, 1974, Nov. 19, 1976, Sept. 7, 1979, and Apr. 2, 1986	Do.
Do	Lee, town of, Strafford County	330148B	July 23, 1975, Emerg.; Apr. 2, 1986, Reg.; Apr. 2, 1986, Susp.	June 21, 1974, Sept. 3, 1976, and Apr. 2, 1986	Do.
Do	Goshen, town of, Sullivan County	330157B	Aug. 20, 1975, Emerg.; Apr. 2, 1986, Reg.; Apr. 2, 1986, Susp.	Dec. 20, 1974, Aug. 27, 1976, and Apr. 2, 1986	Do.
Do	Barnstead, town of, Belknap County	330177A	Jan. 10, 1979, Emerg.; Apr. 2, 1986, Reg.; Apr. 2, 1986, Susp.	Jan. 3, 1975 and Apr. 2, 1986	Do.
Do	Chesterfield, town of, Cheshire County	330183B	May 26, 1983, Emerg.; Apr. 2, 1986, Reg.; Apr. 2, 1986, Susp.	Dec. 13, 1977 and Apr. 2, 1986	Do.
Do	Strafford, town of, Strafford County	330196B	Aug. 6, 1976, Emerg.; Apr. 2, 1986, Reg.; Apr. 2, 1986, Susp.	Feb. 28, 1975, Dec. 31, 1976, and Apr. 2, 1986	Do.
Do	East Kingston, town of, Grafton County	330203A	July 16, 1976, Emerg.; Apr. 2, 1986, Reg.; Apr. 2, 1986, Susp.	Jan. 28, 1975 and Apr. 2, 1986	Do.
Do	Hill, town of, Merrimack County	330214A	Nov. 29, 1976, Emerg.; Apr. 2, 1986, Reg.; Apr. 2, 1986, Susp.	Feb. 7, 1975 and Apr. 2, 1986	Do.
Do	Newbury, town of, Merrimack County	330226B	Aug. 17, 1976, Emerg.; Apr. 2, 1986, Reg.; Apr. 2, 1986, Susp.	Jan. 31, 1975, Sept. 6, 1977, and Apr. 2, 1986	Do.
Do	Sullivan, town of, Cheshire County	330233A	Dec. 24, 1975, Emerg.; Apr. 2, 1986, Reg.; Apr. 2, 1986, Susp.	Jan. 17, 1975 and Apr. 2, 1986	Do.
Do	Westmoreland, town of, Cheshire County	330238A	Oct. 12, 1976, Emerg.; Apr. 2, 1976, Reg.; Apr. 2, 1976, Susp.	Jan. 17, 1975 and Apr. 2, 1986	Do.
Region VIII					
Colorado	Julesburg, town of, Sedgwick County	080169B	Mar. 3, 1975, Emerg.; Apr. 2, 1986, Reg.; Apr. 2, 1986, Susp.	May 24, 1974, Feb. 20, 1976, and Apr. 2, 1986	Do.
Region I					
Connecticut	Simsbury, town of, Hartford County	090035C	Dec. 10, 1971, Emerg.; May 16, 1977, Reg.; Apr. 15, 1986, Susp.	Aug. 2, 1974, May 16, 1977, Mar. 27, 1981	Apr. 15, 1986
Rhode Island	Providence, city of, Providence County	445406E	Sept. 11, 1970, Emerg.; Dec. 11, 1970, Reg.; Apr. 15, 1986, Susp.	Dec. 15, 1970, July 1, 1974, Nov. 28, 1975, Apr. 16, 1975, July 23, 1976, and Apr. 15, 1986	Do.
Do	West Warwick, town of, Kent County	440007B	Sept. 1, 1972, Emerg.; Feb. 1, 1978, Reg.; Apr. 15, 1986, Susp.	Apr. 13, 1973, Feb. 1, 1978, and Apr. 15, 1986	Do.
Region II					
New Jersey	Oradell, borough of, Bergen County	340060C	Nov. 24, 1972, Emerg.; Mar. 15, 1977, Reg.; Apr. 15, 1986, Susp.	June 15, 1973; Mar. 15, 1977, Feb. 1, 1980, and Apr. 15, 1986	Do.
Region III					
Pennsylvania	Stonycreek, township of, Cambria County	420241	Aug. 18, 1972, Emerg.; Feb. 15, 1978, Reg.; Apr. 15, 1986, Susp.	Dec. 28, 1973, Feb. 15, 1978, and Apr. 15, 1986	Do.
Region V					
Wisconsin	LaCrosse, city of, LaCrosse County	555562B	Dec. 4, 1970, Emerg.; Jan. 15, 1971, Reg.; June 25, 1985, Susp.; July 3, 1985, Reins.; Apr. 15, 1986, Susp.	Jan. 15, 1971, July 1, 1974, May 14, 1976, and May 15, 1985	Do.
Ohio	Seville, village of, Medina County	390384B	Sept. 23, 1975, Emerg.; Apr. 15, 1986, Reg.; Apr. 15, 1986, Susp.	Mar. 16, 1974, June 4, 1976, Apr. 15, 1986	Do.

State	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date ¹
Region VI					
Texas	Shady Shores, town of, Denton County	481135C	Apr. 16, 1979, Emerg.; May 11, 1982, Reg.; Apr. 15, 1986, Susp.	Mar. 18, 1977, May 11, 1982, Apr. 15, 1986	Do.
Region VIII					
Colorado	Federal Heights, town of, Adams County	080240A	July 28, 1976, Emerg.; Apr. 15, 1986, Reg.; Apr. 15, 1986, Susp.	July 11, 1975 and Apr. 15, 1986	Do.
Do	Denver, city and county, Denver County	080046B	Apr. 16, 1971, Emerg.; Apr. 15, 1986, Reg.; Apr. 15, 1986, Susp.	Dec. 28, 1975 and Apr. 15, 1986	Do.
Region IV					
California	Santa Cruz County, Unincorporated areas	060353B	Apr. 4, 1975, Emerg.; Apr. 15, 1986, Reg.; Apr. 15, 1986, Susp.	May 29, 1979 and Apr. 15, 1986	Do.
Do	Del Mar, city of, San Diego County	060288C	May 19, 1975, Emerg.; Aug. 15, 1983, Reg.; Apr. 15, 1986, Susp.	Feb. 22, 1974, Oct. 17, 1975, Aug. 15, 1983, and Apr. 15, 1986	Do.
Region I—Minimal Conversions					
New Hampshire	Bethlehem, town of, Grafton County	330045B	Dec. 18, 1975, Emerg.; Apr. 15, 1986, Reg.; Apr. 15, 1986, Susp.	June 28, 1974, Mar. 25, 1977, and Apr. 15, 1986	Apr. 15, 1986
Do	Carroll, town of, Coos County	330030B	July 26, 1978, Emerg.; Apr. 15, 1986, Reg.; Apr. 15, 1986, Susp.	Jan. 24, 1975, Nov. 12, 1976, and Apr. 15, 1986	Do.
Do	Jefferson, town of, Coos County	330033C	June 3, 1977, Emerg.; Apr. 15, 1986, Reg.; Apr. 15, 1986, Susp.	Feb. 21, 1975, Sept. 10, 1976, July 19, 1977, and Apr. 15, 1986	Do.
Do	Webster, town of, Merrimack County	330236A	Feb. 25, 1976, Emerg.; Apr. 15, 1986, Reg.; Apr. 15, 1986, Susp.	Jan. 17, 1975 and Apr. 15, 1986	Do.
Region II					
New York	Albion, town of, Oswego County	361577B	Dec. 15, 1975, Emerg.; Apr. 15, 1986, Reg.; Apr. 15, 1986, Susp.	Oct. 29, 1976 and Apr. 15, 1986	Do.
Do	Antwerp, town of, Jefferson County	361580B	Mar. 2, 1976, Emerg.; Apr. 15, 1986, Reg.; Apr. 15, 1986, Susp.	Jan. 31, 1975, Jan. 9, 1976, and Apr. 15, 1986	Do.
Do	Hornby, town of, Steuben County	361211A	Feb. 18, 1976, Emerg.; Apr. 15, 1986, Reg.; Apr. 15, 1986, Susp.	Feb. 21, 1975 and Apr. 15, 1986	Do.
Do	Parish, town of, Oswego County	361357A	Dec. 9, 1976, Emerg.; Apr. 15, 1986, Reg.; Apr. 15, 1986, Susp.	Dec. 27, 1974 and Apr. 15, 1986	Do.
Do	Richfield, town of, Otsego County	361279B	May 10, 1977, Emerg.; Apr. 15, 1986, Reg.; Apr. 15, 1986, Susp.	Oct. 18, 1974, Jan. 2, 1976, and Apr. 15, 1986	Do.

¹ Certain Federal assistance no longer available in special flood hazard areas.
Code for reading 4th column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

Jeffrey S. Bragg,
Administrator, Federal Insurance
Administration.
[FR Doc. 86-6719 Filed 3-26-86; 8:45 am]
BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 94

[PR Docket No. 83-426; FCC 86-99]

Authorizing Private Carrier Systems in the Private Operational-Fixed Microwave Radio Service

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission has adopted a Memorandum Opinion and Order that affirms its earlier decision to authorize private microwave carriers and denies petitions for reconsideration filed by the International Communications Association and Southwestern Bell. The Memorandum Opinion and Order does, however, modify the earlier decision to prohibit dominant common carriers from offering private carrier service.

EFFECTIVE DATE: April 21, 1986.

FOR FURTHER INFORMATION CONTACT:
Mary Beth Hess, Private Radio Bureau,
(202) 634-2443.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 94

Private Operational-Fixed Microwave Radio service.

In the Matter of Amendment of Part 94 of the Commission's Rules and Regulations to Authorize Private Carrier Systems in the Private Operational-Fixed Microwave Radio Service.

[PR Docket No. 83-426]

This is a summary of the Commission's Memorandum Opinion and Order, PR Docket No. 83-426, Adopted March 6, 1986, and Released March 14, 1986.

The full text of this Commission Decision is available for inspection and copying during normal business hours in the FCC Docket Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, NW., suite 140, Washington, DC 20037.

Summary of the Memorandum Opinion and Order

1. On April 1, 1985, the Commission released a *First Report and Order* in this docket to permit the offering of a communications service on a commercial basis by eligibles in the Private Operational-Fixed Microwave Radio Service (OFS). The Commission received two petitions for reconsideration of that decision, one filed by the International Communications Association (ICA) and one filed by Southwestern Bell Telephone Company (Southwestern Bell).

2. In its petition, Southwestern Bell sought to have common carrier status imposed on OFS carriers, of alternatively, to have private carriers treated as hybrid carriers and subject to common carrier regulations. Southwestern Bell also sought to have the Commission reconsider its preemption of state regulation for private carriers.

3. In its petition, ICA argued that there was not an adequate record to authorize common carriers to offer private microwave carrier service. It stated that the decision potentially undermines the development of a competitive marketplace and leaves unresolved issues regarding the accounting of

revenues and expenses. ICA sought to have these issues addressed more fully before private carrier service by common carriers is allowed.

4. The Commission found that Southwestern Bell's petition raised no issues not previously considered in the initial decision. It was determined that OFS carriers should be categorized as private rather than common carriers. It was also determined that allowing diverse state regulation of private carriers would frustrate the Commission's federal objectives and could delay service implementation and add to the expense of providing service.

5. ICA contended that common carriers should not be allowed to offer private carrier service until what it characterized as unresolved accounting issues are considered. It was concluded that there are adequate procedures to provide sufficient standards to properly attribute the profits and losses from private carrier service offerings. The Commission did find merit in ICA's argument that it should defer the decision to allow dominant common carriers to offer private carrier service pending the outcome of common carrier Docket No. 84-369. The *Notice of Proposed Rule Making* in that proceeding proposes to permit carriers to provide special construction of lines as non-common carrier activities. Therefore, the Commission modified its earlier decision to preclude dominant common carriers from offering private microwave carrier service.

6. Accordingly, it is ordered that 47 CFR Part 94 is amended as shown at the end of this document, effective —. The authority for this action is contained in 47 U.S.C. (i) and 303. It is further ordered that the petitions for reconsideration filed by the International Communications Association and Southwestern Bell Telephone Company are denied except to the extent discussed above.

Part 94 of Chapter I of Title 47 of the Code of Federal Regulations (47 CFR) is amended as follows:

PART 94—[AMENDED]

1. The authority citation for Part 94 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303, unless otherwise noted.

2. Section 94.17 is amended by redesignating paragraphs (a)–(d) as (a)(1)–(a)(4), the introductory paragraph for the section is designated as paragraph (a) and by adding a new paragraph (b). The section is revised to read as follows:

§ 94.17 Shared use of radio stations and the offering of private carrier communications service.

(a) Licensees of radio stations authorized under this Part may share the use of their facilities on a non-profit basis or may offer service on a for-profit private carrier basis, subject to the following conditions and limitations:

(1) Persons or governmental entities licensed to operate radio systems on any of the frequencies set out in § 94.61(b) may share such systems with, or provide private carrier service to, any eligible for licensing under this Part, regardless of individual eligibility restrictions enumerated in § 94.61(b), provided that the communications being carried are permissible under § 94.9.

(2) The licensee must maintain access to and control over all facilities authorized under its license.

(3) All sharing and private carrier arrangements must be conducted pursuant to a written agreement to be kept as part of the station records.

(4) The licensee must keep an up-to-date list of system sharers and private carrier subscribers and the basis of their eligibility under Part 94. Such records must be kept current and must be made available upon request for inspection by the Commission.

(b) Dominant common carriers may only share the use of their facilities on a non-profit basis and may not offer service on a for-profit private carrier basis.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 86-6432 Filed 3-26-86; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 97

[PR Docket No. 85-105]

Temporary Waiver of the Amateur Rules To Permit the Retransmission of Third-Party Traffic in Certain Situations

AGENCY: Federal Communications Commission.

ACTION: Temporary Waiver Granted.

SUMMARY: This document temporarily waives certain Amateur Rules pertaining to third-party traffic. The waiver is necessary so that amateur stations retransmitting digital packet radio communications on frequencies 50 MHz and above, using the ARRL AX.25 (or compatible) protocol, may be operated under automatic control while retransmitting third-party traffic. The effect of the rule waiver is to allow such amateur stations operated under

automatic control to retransmit third-party packet radio communications for a temporary period during the pendency of proceedings to determine whether such transmissions should be authorized on a regular basis.

EFFECTIVE DATE: March 27, 1986.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Maurice J. DePont, Private Radio Bureau, Washington, DC 20554 (202) 632-4964.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 97

Amateur radio, Automatic control, Digital communications, Third-party traffic.

Order

In the Matter of Waiver of §§ 97.80(b) and 97.114(b)(4) of the Amateur Rules to Permit the Retransmission of Third-Party Traffic in Certain Situations; PR Docket No. 85-105.

Adopted: March 14, 1986.

Released: March 14, 1986.

By the Chief, Private Radio Bureau.

1. On February 28, 1986, The American Radio Relay League, Inc. (ARRL) filed a Petition for Extraordinary Relief requesting the Commission to temporarily waive §§ 97.80(b) and 97.114(b)(4) of the Rules to permit amateur stations operating in a packet radio network under automatic control to retransmit third-party traffic. The requested waiver would terminate when the Commission adopts a final Order disposing of the petitions for reconsideration filed in PR Docket No. 85-105.¹ In that proceeding, the Commission authorized automatic control for stations transmitting digital communications on amateur frequencies above 50 MHz, but noted that the transmissions of third-party traffic by such stations would require the supervision of the control operator.²

2. The prohibition against unsupervised third-party traffic has served to ensure that amateur facilities and frequencies are not used by non-amateurs. Only a person who has demonstrated the proper qualifications may be a control operator of an amateur station. Such control operators screen any third-party traffic to prevent transmissions which are prohibited by Subpart E of the Amateur Rules. Those prohibitions include, but are not limited

¹ Report and Order in PR Docket No. 85-105, adopted January 13, 1986; FCC 86-18; 51 FR 3069, January 23, 1986.

² See §§ 97.69(d) and 97.114(b)(4) of the Amateur Rules.

to, business communications, secret messages, radiocommunications for unlawful purposes and radiocommunication with nations which have not assented to third-party traffic. Self-policing has long been a cornerstone in the integrity of the amateur service. The presence of the responsible licensed control operator at each station has been a vital element in the amateur self-policing tradition. But ARRL, in the instant petition and in its related petition for reconsideration in this proceeding, argues that this safeguard is neither practical nor effective in the context of packet radio technology.

3. In support of the instant petition the ARRL said that the effect of application of traditional third-party traffic control operator requirements to amateur packet radio would severely limit the development of this network for the rapid and accurate relaying of messages and data. The ARRL requested the waiver only for packet radio digital communications using, or compatible with, their AX.25 protocol.³ The waiver requested by the ARRL only relates to the retransmission of messages already properly screened; a control operator will still be required at every amateur station introducing messages into a packet radio system.

4. In view of the above, we believe a temporary waiver is in order until the Commission has evaluated the arguments presented in the subject petitions for reconsideration and issued a ruling on them. Packet radio in the Amateur Service is in the developmental stages. Although interest in this area is intense and growing, there are still only about 14,000 stations, or about 3% of those licensed, equipped for packet radio operation. Thus the risks of abuse are minimized by the small scope of packet operation which will obtain during the period of this waiver. In the interim, more experience can be gained with automatic control of stations retransmitting with the AX.25 protocol.

5. Accordingly, the waiver request of the ARRL is granted to the following extent:

(a) The provisions of §§ 97.80(b) and 97.114(b)(4) are waived to permit amateur stations, retransmitting digital packet radio communications (see § 97.69) on frequencies 50 MHz and above, using the AX.25 (or compatible) protocol, to be operated under automatic control while retransmitting third-party traffic. See § 97.3(v).

(b) This waiver applies only to the retransmission of third-party traffic originated at another amateur station which is under local control or remote control. See § 97.3(m).

(c) When an amateur station is operated under automatic control, devices must be installed and procedures must be implemented which will ensure compliance with the rules when the control operator is not present at the control point of the amateur station. See § 97.80(a).

(d) This waiver will remain in effect until the Commission takes final action on the petitions for reconsideration filed in PR Docket No. 85-105.

6. Control operators of amateur stations capable of monitoring AX.25 packet transmissions must be alert to the increased dependency upon them for monitoring during the period of this waiver. We call upon them to immediately make known to the responsible control operator of a station retransmitting communications under automatic control any misuse of the station so that the control operator can take prompt corrective action.

Robert S. Foosaner,

Chief, Private Radio Bureau.

[FR Doc. 86-6433 Filed 3-26-86; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 604 and 655

[Docket No. 60107-6045]

Atlantic Mackerel, Squid, and Butterfish Fisheries

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Final rule.

SUMMARY: NOAA issues a final rule to implement conservation and management measures as prescribed in Amendment 2 (Amendment) to the Fishery Management Plan for the Atlantic Mackerel, Squid, and Butterfish Fisheries (FMP). As approved, the amendment: (1) Changes the start and ending dates of the fishing year; (2) revises bycatch total allowable levels of foreign fishing (TALFF) for Atlantic mackerel, squid, and butterfish; (3) revises the management regime for mackerel; (4) introduces an allowable biological catch measure for butterfish; (5) implements an annual permit system; and (6) extends the FMP for an indefinite period beyond the current end date of March 31, 1986.

The intended effect is to provide for a more controlled allocation of the resource for the benefit of the U.S., and to facilitate more efficient management of the fishery and the acquisition of a better data system on which to base management decisions.

DATES: *Effective date:* This rule is effective April 20, 1986 (except for § 655.21(b)(2)(i)(B), which becomes effective April 24, 1986).

Comments will be accepted on § 655.21(b)(2)(i)(B) until April 23, 1986.

ADDRESSES: Copies of the amendment, the environmental assessment, and the draft regulatory impact review are available from Mr. John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, DE 19901.

Comments on § 655.21(b)(2)(i)(B) may be submitted to Salvatore A. Testaverde, Northeast Regional Office, National Marine Fisheries Service, State Fish Pier, Gloucester, Massachusetts 01930-3097.

FOR FURTHER INFORMATION CONTACT: Salvatore A. Testaverde, 617-281-3600, extension 273.

SUPPLEMENTARY INFORMATION:

Background

The Amendment was prepared by the Mid-Atlantic Fishery Management Council (Council) in consultation with the New England Fishery Management Council. A notice of availability for the proposed amendment was published in the *Federal Register* on December 9, 1985 (50 FR 50186). The proposed rule with request for comments was published in the *Federal Register* on January 22, 1986 (50 FR 2929). The public comment period ended on February 14, 1986. One comment from the U.S. Coast Guard was received by the Acting Regional Director, Northeast Region, NMFS (Regional Director), during the public comment period. The final rule includes changes made to the proposed rule consistent with the disapproval of several provisions of Amendment 2 following review by the Secretary of Commerce (Secretarial Review).

Amendment 2 extends the FMP for an indefinite period of time, or until amended. The management unit remains unchanged and is all Atlantic mackerel, *Loligo pealei* and *Illex illecebrosus* squids, and butterfish under U.S. jurisdiction, excluding the Gulf of Mexico and the Caribbean Sea. The objectives of the FMP remain unchanged and are:

³ See AX.25 Amateur Packet Radio Link-Layer Protocol: Version 2.0, Copyright 1984 by the American Radio Relay League, October 1984.

1. To enhance the probability of successful (i.e., the historical average) recruitment to the fisheries;
2. To promote the growth of the U.S. commercial fishery, including the fishery for export;
3. To provide the greatest degree of freedom and flexibility to all harvesters of these resources consistent with the attainment of the other objectives of the FMP;
4. To provide marine recreational fishing opportunities, recognizing the contribution of recreational fishing to the national economy;
5. To increase understanding of the conditions of the stocks and fisheries; and
6. To minimize harvesting conflicts among U.S. commercial, U.S. recreational, and foreign fishermen.

The management measures approved in Amendment 2 are as follows:

Fishing Year

The fishing year is changed in § 655.20 from the twelve month period April 1–March 31, to the twelve month period January 1–December 31. This eliminates administrative problems associated with foreign fishing permits issued on a calendar year basis for fisheries managed on the April 1 through March 31 year.

The new fishing year will begin in 1986, the first year the regulations are in effect. With implementation of these regulations, the current fishing year will start on April 20, 1986 and extend through December 31, 1986. Annual specifications now in effect will be revised with opportunity for notice and comment, to reflect the proportional reduction in the fishing year which would have ended March 31, 1987. The first full calendar fishing year under the amendment will begin on January 1, 1987, through December 31, 1987.

As a collateral effect of the change in the fishing year, the dates also have changed in § 655.22, for filing of recommendations on proposed and final determinations of annual specifications for the three fisheries, in order to be consistent with the new beginning date of the fishing year. Descriptors for the due dates were changed from "on or before" as previously proposed, to "on or about", by vote of the Council. The Council recognized that the consultation process in setting the annual specifications may require additional days for consultation and preparation of the final actions. Although the vote occurred as part of the Mid-Atlantic Council's final votes adopting the Amendment, it was not reflected in the final draft of the Amendment presented for Secretarial Review.

Bycatch TALFFs

Bycatch TALFF levels in § 655.21 for mackerel, squid, and butterfish have been revised due to the determination that percentages adopted in Amendment 1 were greater than required based upon historical performance of the directed foreign fishery. The Council reviewed bycatch data from 1977–1985, placing particular emphasis on more recent data, i.e., 1983–1985, which revealed a decreased need for bycatch TALFFs. Prior percentages were reduced, in most cases by half. In light of the Council's observations that there has been a decrease in directed fisheries allocations and a change in the composition and number of nations actually engaging in direct foreign fishing, this reduction is justified. In the Council's view, availability of bycatch TALFF in excess of bycatch needs may encourage fishing practices that are wasteful of the resources and may also damage development opportunities for the U.S. export markets.

Mackerel

Five revisions are made to the mackerel management regime to provide a better foundation for development of the domestic fishery and to respond to recent scientific information. The changes include: (1) Introduction of the allowable biological catch-initial optimum yield (ABC-IOY) concept for specification of annual amounts; (2) provision for deviation from the F0.1 fishing mortality factor to increase the permissible level of harvests; (3) adjustment to bycatch TALFFs to support directed fishing in related fisheries; (4) revision in the mackerel recreational catch forecasting equation; and (5) an increase in the spawning stock biomass reference from 400,000 metric tons (mt) to 600,000 mt.

The Council proposed adoption of the ABC-IOY concept for determination of annual amounts because the system under Amendment 1, with its TALFF and reserve allocations, did not enhance the development of the domestic fishery, and was not flexible enough to respond to development opportunities. Under the TALFF/reserve system, it was possible for foreign nations to control the size of mackerel domestic annual harvest by minimizing joint ventures and export purchases. This could lead to a large transfer from reserve to TALFF during the fishing year, thereby dampening U.S. opportunities to develop export markets. Adoption of the proposed mechanism eliminates the complex mathematical calculations by which mackerel amounts were derived under Amendment 1, and ties their determination more closely to

needed development and to performance of the fishery.

The Council proposed adoption of the measure to permit deviation from the F0.1 fishing mortality factor to allow increased harvests for the same reason, i.e., to put the U.S. fishing industry in the best possible position for development opportunities as they occur. Under the ABC-IOY concept, after annual review of stock conditions, the Council could waive the F0.1 mortality factor as a constraint on harvest. This would expand the permissible level of harvest to meet unusual demand for U.S. harvested and processed mackerel. The minimum spawning stock biomass maintenance level of 600,000 mt remains as a constraint on harvest amounts, and thereby minimizes stock fluctuation, especially if a deviation from the F0.1 factor is allowed.

Such development requirements are intended to be limited to catch by U.S. fishermen for U.S. processing and to such over the side joint ventures and directed foreign fishing as has a clear and significant (not token) benefit to the U.S. fishery in terms of increases in the amount of U.S. harvested and processed mackerel. This deviation from F0.1 is intended to allow the U.S. fishing industry the opportunity to market additional mackerel into the world market during high demand periods, such as may occur if a stock problem with the northeastern European Atlantic mackerel stocks developed. Determining these allocations involves estimating both the U.S. and foreign harvesting potential.

The mackerel bycatch TALFF levels were reduced, as explained above, consistent with historical performance in the directed foreign fishery.

Two additional changes were made, as a result of analysis of updated scientific information. The spawning stock size reference was revised from 400,000 mt to 600,000 mt based on recent studies of stock size-recruitment relationships. The recreational catch estimate formula was respecified based on extensive data from the Marine Recreational Fishery Statistics Survey, 1979 through 1982. All revisions to the mackerel regime are incorporated in § 655.21.

Butterfish

The butterfish regime is being revised to allow a reduction in the maximum allowable catch for any year from the 16,000 mt maximum, if information available at the time annual catch limits are being established indicates that a reduction is necessary to protect the resource.

The Regional Director will review annually the most recent biological data pertaining to the stock, including data on discards. This review will determine whether an adjustment to the quota is appropriate to protect the stock. In making his determination, the Regional Director will rely principally on stock condition and assessment data from the NMFS, Northeast Fisheries Center. He also may consider other data sources which provide pertinent, scientifically sound analysis of conditions throughout the fishery. The ABC provision appears in § 655.21(b)(3) of the regulations.

NOAA's disapproval of the butterfish minimum size count at landing is discussed below.

Annual Permit System

The Council proposed changes in the permit and reporting systems to improve acquisition of data for the management of the three fisheries regulated under the FMP. The reporting system proposal as well as the provision for automatic approval associated with it have been disapproved as explained in ensuing sections. Otherwise, the agency has approved the annual permit system.

Under the prior permit system, vessels were required to have a permit for the harvest of Atlantic mackerel, squid or butterfish in the FCZ. The requirement applied to any catcher vessel or party/charter vessel, but not to recreational fishermen taking these species for their personal use. These provisions remain unchanged.

Under measures approved in Amendment 2, there are two changes: (1) The permit must be renewed annually; and, (2) the annual permit renewal form must include a report of the applicant's past year's landings of mackerel, squid, and butterfish. The revised measures, which are incorporated in § 655.4, require submission of application forms prior to November 1 of each year. Permits will expire at the end of each fishing year (on December 31).

Summary of Disapproved Measures

The measures in Amendment 2 that were disapproved during Secretarial Review include: (1) Implementation of a minimum butterfish size count at landing, i.e., 500 fish per 100 pound container with a 10 percent tolerance, or 550 fish total for a 100 pound sample; (2) implementation of a reporting and recordkeeping requirement including, (a) a commercial catcher vessel logbook, including catcher/processing vessels, (b) a party/charter boat logbook, and (c) mandatory processor reporting; and (3) implementation of a joint venture and foreign fishing management program,

including, (a) authorization for the Regional Director with Council concurrence, to grant exceptions to foreign fishing areas on an ad hoc basis, (b) inclusion of commercial agreements within the conditions and restrictions of joint venture foreign fishing permits, (c) release of joint venture and directed fishing allocations in incremental amounts, and (d) grant of access to disaggregated foreign fishing and joint venture data to the Council's staffs.

The measure establishing a minimum butterfish size count at landing would have prohibited a fishing vessel from landing butterfish smaller than 500 fish per 100 pound container, with a 10 percent tolerance, or 550 fish total for a 100 pound sample. It was disapproved because it does not control or reduce mortality at sea from discards. By focusing on the landings of small sized butterfish, the measure would encourage discarding and overfishing in violation of National Standard 1 of the Magnuson Act. The adoption of the ABC concept for the butterfish management regime will allow some adjustments to butterfish harvest, when necessary.

The amendment proposed a voluntary/mandatory data collection system which applied to catching vessels, catching/processing vessels, party and charter boats, and shoreside processors. For the catching vessels and party and charter boats, the system was voluntary if a least 20 percent of the permitted vessels in each major port of landing submitted reports. The system was mandatory for catching/processing vessels, and reporting was mandatory for all shoreside processors who buy Atlantic mackerel, squid, and butterfish from owners or operators of permitted vessels. This provision was disapproved because the Regional Director considered that a single data collection system should prevail in the Northeast Region. Presently, the three-tier fisheries information collection system is in effect throughout the Northeast Region. Various aspects of this collection system can be modified to provide for expanded needs of the Council. Further, the proposed voluntary/mandatory data collection system was found to be inconsistent with the requirements of the Paperwork Reduction Act.

The one permit-related revision proposed by the Council but not approved by the agency was associated with the disapproved reporting-recordkeeping provisions. Under the proposed permit system, permit holders who had substantially complied with the proposed voluntary reporting requirements would have had their permits annually renewed automatically. With disapproval of the

proposed data collection systems, the level of individual participation cannot be determined with any certainty, thus, there is no basis for an equitable application of a provision that would allow automatic renewal of permits to some and not to other permit holders. Accordingly, deletions have been made at § 655.4(b)(1) as proposed, consistent with the disapproval of the automatic renewal provision.

A provision which removed the requirement for presentation of a permit at sea to an authorized officer was also disapproved. The single commenter to the proposed regulations, the U.S. Coast Guard, recommended that this permit requirement modification be disapproved. The Council considered that this provision would have a cost savings on operations to the U.S. Coast Guard. However, as pointed out by the commenter, vessel boardings are not conducted solely for the purpose of checking for a permit. Permit checks are done, instead, in connection with other U.S. Coast Guard functions (e.g., vessel safety). Also, the Regional Director believes granting an exception may have a negative impact, in that vessel operators may opt to carry their permits which are endorsed for other fisheries and are still required to be aboard a vessel at sea for other fisheries.

A number of Council proposals concerning foreign fishing management were disapproved, and thus removed from the regulations, since they appeared to elevate Council actions on joint ventures and foreign fishing from recommendations to decisions binding on the Secretary in his disposition of these matters. This would be inconsistent with the terms of the Magnuson Act, which places the authority for final decision in these areas with the Secretary. The agency will, however, where appropriate and consistent with the law and agency policy, follow recommendations of the Council. The disapproved measures are: (1) Making the terms of any agreement by a foreign organization to purchase U.S. processed or harvested fish, in exchange for directed foreign fishing or a joint venture with a U.S. vessel, conditions on any foreign fishing vessel permits issued pursuant to such projects; (2) making allocations for both joint ventures and directed foreign fishing in incremental amounts up to the maximum amount approved; (3) allocating initial amounts and specifying the maximum amount in the permit based on the Council's recommendations; and (4) automatically communicating information and projections on joint venture performance

to the staffs of the Mid-Atlantic and New England Councils as part of NMFS' process of monitoring joint ventures. Regulations proposed for 50 CFR Part 611 to implement these proposals as management measures have been deleted from the final rule.

The Council has been advised that its Joint Venture Policy, presented in the main body of the amendment, should be moved to the Appendix section of the document as reference material, so that interpretation not be made that (1) the policy terms are adopted as management measures, and (2) that NMFS has adopted the policy.

Further Public Comment

A 30-day public comment period for text at § 655.21(b)(2)(i)(B) that was inadvertently omitted in the proposed rule is allowed from March 21, 1986 through April 23, 1986. After consideration of public comments, the Secretary will publish a notice in the Federal Register of any changes to this section.

Classification

The NOAA Administrator determined that, except for the disapproved provisions, the FMP amendment is necessary for the conservation and management of the Atlantic mackerel, squid, and butterfish fisheries and that it is consistent with the Magnuson Act and other applicable law.

The Council prepared an environmental assessment for this FMP amendment and concluded that there will be no significant impact on the environment as a result of this rule. You may obtain a copy of the environmental assessment from the Council at the address listed above.

The NOAA Administrator determined that this rule is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291. A summary was published at 51 FR 2929.

The General Counsel of the Department of Commerce certified to the Small Business Administration that this rule will not have a significant economic impact on a substantial number of small entities. A summary was published at 51 FR 2929. As a result, a regulatory flexibility analysis was not prepared.

This rule contains a collection of information requirement subject to the Paperwork Reduction Act which has been approved by the Office of Management and Budget under control number 0648-0097.

The Council determined that this rule does not directly affect the coastal zone of any State with an approved coastal zone management program.

List of Subjects in 50 CFR Part 655

Fisheries, Reporting and recordkeeping requirements.

Dated: March 21, 1986.

James E. Douglas, Jr.,
Acting Deputy Assistant Administrator for Fisheries.

For the reasons set out in the preamble, NOAA amends 50 CFR Parts 604 and 655 as set forth below:

PART 604—OMB CONTROL NUMBERS FOR NOAA INFORMATION COLLECTION REQUIREMENTS

1. The authority for Part 604 continues to read:

Authority: Paperwork Reduction Act of 1980, 44 U.S.C. 3501-3520 (1982).

2. The table in § 604.1 is amended by adding the following entry in numerical order by section number:

§ 604.1 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

50 CFR part or section where the information collection requirement is located	Current OMB control number (all numbers begin with 0648-)
§ 655.4(a).....	-0097

PART 655—ATLANTIC MACKEREL, SQUID, AND BUTTERFISH FISHERIES

1. The authority citation for Part 655 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In the Table of Contents, § 655.23 is amended by removing the title "Reserve releases" and inserting the new title "Closure of the fishery," and by deleting § 655.24 with the title "Closure of the fishery".

3. Section 655.4 is amended by revising paragraphs (a) and (b)(1); redesignating paragraph (b)(2)(xi) as (b)(2)(xii), adding a new paragraph (b)(2)(xi), and revising paragraphs (c) and (d) to read as follows:

§ 655.4 Vessel permits.

(a) *General.* Any vessel of the United States which catches Atlantic mackerel, *Illex* and *Loligo* squid, or butterfish must have a permit issued under this section except vessels used by recreational fishermen taking Atlantic mackerel, *Illex* and *Loligo* squid, or butterfish for the personal use of such recreational fishermen.

(b) *Application.* (1) Each applicant must submit a permit application signed by the owner or operator of the vessel on an appropriate form obtained from the Regional Director before November 1 of each year or at least 30 days before the date on which the applicant desires to have the permit made effective.

(2) * * *

(xi) The quantity of *Loligo* and *Illex* squid, Atlantic mackerel, and butterfish landed during the year prior to the year for which the permit is being applied; and

* * * * *

(c) *Issuance.* The Regional Director will issue a permit to the applicant no later than 30 days from the receipt of a completed application.

(d) *Expiration.* A permit will expire upon any change in vessel ownership, registration, name, length, gross tonnage, fish hold capacity, home port, or the regulated fisheries in which the vessel is engaged or on December 31 of the year for which the permit was issued.

* * * * *

4. Section 655.7 is amended by revising introductory text and designating it as paragraph (a), by redesignating present paragraphs (a)-(m) as (a)(2)-(14), adding new paragraphs (a)(1) and (a)(15), removing paragraph (n) and adding a new paragraph (b) to read as follows:

§ 655.7 General prohibitions.

(a) It is unlawful for any person to do any of the following:

(1) To fish commercially for Atlantic mackerel, squid, and butterfish without a permit issued pursuant to § 655.4;

* * * * *

(15) To falsify the records and reports prescribed by these regulations.

(b) It is unlawful to violate any other provision of this part, the Magnuson Act, any notice issued under Subpart B of this part, or any other regulation or permit promulgated under the Magnuson Act.

5. Section 655.20 is revised to read as follows:

§ 655.20 Fishing year.

The fishing year is the 12-month period beginning on January 1 and ending on December 31.

6. Section 655.21 is amended by revising paragraphs (a)(2), (b)(1)(iv) (A) and (B), (b)(2), and (b)(3) to read as follows:

§ 655.21 Allowable levels of harvest.

* * * * *

(a) * * *

(2) For Atlantic mackerel, the maximum OY is determined in accordance with paragraph (b)(2)(ii) of this section.

(b) * * *

(1) * * *

(iv) * * *

(A) *Loligo*: The incidental catch level is 1.0 percent of the allocated portion of the *Illex*, 0.04 percent of the allocated portion of the mackerel (if a directed fishery is allowed), and 0.5 percent of the allocated portions of the silver and red hake TALFFs.

(B) *Illex*: The incidental catch level is 10.0 percent of the allocated portion of the *Loligo* TALFF and 0.2 percent of the allocated portions of the silver and red hake TALFFs.

(2) *Atlantic mackerel*. For Atlantic mackerel the maximum OY may not exceed ABC. Mackerel amounts are derived using the following terms:

C=Estimated mackerel catch in Canadian waters or the upcoming fishing year.

US=Estimated U.S. mackerel catch for the upcoming year.

S=Mackerel spawning-stock size in the year after the upcoming fishing year.

Bycatch=0.4 percent of allocated portions of the silver hake and red hake TALFFs and 1 percent of the allocated portions of the *Loligo* and 0.1 percent of the allocated portion of the *Illex* TALFFs.

ABC=Acceptable biological catch in U.S. waters for the upcoming fishing year.

T=Total catch in all waters (U.S. and Canadian) for the upcoming fishing year

(i) ABC in U.S. waters for the upcoming fishing year is that quantity of mackerel that could be caught in U.S. and Canadian waters (T) minus the estimated catch in Canadian waters (C) and still maintain a spawning stock size (S) in the year following the year for which catch estimates and quotas are being prepared equal to or greater than 600,000 mt.

(A) IOY represents a modification of ABC, based on biological and economic factors, intended to provide the greatest overall benefit to the nation by incorporating all relevant factors.

(B) IOY will be specified so that the fishing mortality rate associated with T is less than or equal to F0.1. If the Council determines that development of the U.S. fishery requires a fishing mortality rate greater than F0.1, but still less than or equal to ABC, IOY may be set at the higher level. Such modification will be for that fishing year only and revert to F0.1 unless modified again in subsequent years.

(ii) The IOY is composed of an initial DAH and initial TALFF. The Regional Director projects the DAH by reviewing

data concerning past domestic landings, projected amounts of mackerel necessary for domestic processing and for joint ventures during the fishing year, and other data pertinent for such a projection. The recreational fishery component of DAH is determined by the equation $Y = (0.01)(X) - (166)$ where Y is the predicted recreational catch and X is the mackerel spawning stock size in the upcoming fishing year, in metric tons. The JVP component of DAH is the portion of DAH which domestic processors either cannot or will not use. In addition, this specification of IOY is based on such criteria as contained in the Magnuson Act, specifically section 201(e), and the application of the following factors—

(A) Total world export potential by mackerel producing countries;

(B) Total world import demand by mackerel consuming countries;

(C) U.S. export potential based on expected U.S. harvests, expected U.S. consumption, relative prices, exchange rates, and foreign trade barriers;

(D) Increased/decreased revenues to the U.S. from foreign fees;

(E) Increased/decreased revenues to U.S. harvesters (with/without joint ventures);

(F) Increased/decreased revenues to U.S. processors and exporters;

(G) Increases/decreases in U.S. harvesting productivity due to decreases/increases in foreign harvest;

(H) Increases/decreases in U.S. processing productivity; and

(I) Potential impact of increased/decreased TALFF on foreign purchases of U.S. products and services and U.S. caught fish, changes in trade barriers, technology transfer, and other considerations.

(iii) The DAH, DAP, and JVP must be based on data from sources specified in § 655.22(e) and other relevant data including past domestic landings, the capacity and intent of U.S. processors to process U.S. harvested squid and projected amounts of squid necessary for joint ventures during the fishing year.

(iv) IOY must be set at a level that will produce the greatest overall net benefit to the United States. In determining this amount, the Regional Director, in consultation with the Council, will provide for a TALFF of at least a minimum incidental catch in other directed fisheries. TALFF may be greater than an incidental catch level, if the IOY determined to produce the greatest overall benefit to the U.S. is sufficiently greater than DAH. The incidental level is 0.4 percent of the allocated portion of the silver and red hake, 1.0 percent of the allocated portion

of the *Loligo*, and 0.1 percent of the allocated portion of the *Illex* TALFFs.

(v) The IOY may be adjusted by the Regional Director, in consultation with the Council, at any time during the fishing year, under § 655.22(f). The basis for any adjustment may be that new information or changed circumstances indicate that U.S. fishermen will exceed the initial DAH, or that the IOY should be increased to produce maximum net benefits to the United States based upon an application of the factors above. The IOY may be increased by the amount that DAH or TALFF, or both, are increased, but IOY may not exceed ABC. An adjustment to IOY may not result in TALFF being reduced to a quantity less than that allocated to and accepted by foreign nations or to a quantity less than the incidental catch levels specified in paragraph (iv) of this system.

(3) *Butterfish*. (i) The Regional Director will review yearly the most recent biological data, including data on discards, pertaining to the stock. If the Regional Director determines that the stock cannot support a level of harvest equal to the maximum OY, he will establish a lower ABC for the fishing year. This level represents essentially the modification of MSY to reflect changed biological circumstances. If the stock is able to support a harvest level equivalent to the maximum OY, the ABC is set at that level.

(ii) From the ABC, the Regional Director, in consultation with the Council, will determine the IOY for the fishing year. The IOY represents a modification of ABC. The IOY is composed of an initial DAH and initial bycatch TALFF. The Regional Director will project the DAH by reviewing the data concerning past domestic landings, projected amounts of butterfish necessary for domestic processing and for joint ventures during the fishing year, and other data pertinent for such a projection. The JVP component of DAH is the portion of DAH which domestic processors either cannot or will not use.

(iii) In assessing the level of IOY, the Regional Director will provide for a bycatch TALFF equal to 3.0 percent of the allocated portion of the *Loligo* TALFF and 0.5 percent of the allocated portion of the *Illex*, 0.08 percent of the allocated portion of the Atlantic mackerel, and 0.1 percent of the allocated portion of the silver and red hake TALFFs.

(iv) The IOY may be adjusted by the Regional Director, in consultation with the Council, upward to the ABC at any time during the fishing year. An adjustment may be made to IOY to

accommodate DAF needs. However, TALFF may not be adjusted to a quantity less than that needed for bycatch. Any adjustments to the IOY will be published in the **Federal Register** and may provide for a public comment period.

7. Section 655.22 is amended by revising paragraphs (a) and (c), by removing the phrase "By February 1", in paragraph (b) and inserting in place thereof, "On or about November 1", and by removing the date "March 15" in paragraph (d), and inserting in place thereof "December 15".

§ 655.22 Procedures for determining initial annual amounts and adjustments.

(a) On or about October 15 of each year, the Council will prepare and submit recommendations to the Regional Director of the initial annual amounts for the fishing year beginning January 1, based on information gathered from sources specified in paragraph (e) of this section.

(c) The Council's recommendation and the information listed in paragraph (e) of this section will be available in aggregate form for inspection at the office of the Regional Director during the public comment period.

§ 655.23 [Removed]

§ 655.24 [Redesignated and § 655.23]

8. Section 655.23 is removed and § 655.24 is renumbered as § 655.23.

[FR Doc. 86-6634 Filed 3-24-86; 2:57 pm]

BILLING CODE 3510-22-M

50 CFR Part 655

[Docket No. 40211-4050]

Fishery Conservation and Management; Atlantic Mackerel, Squid, and Butterfish Fisheries

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Final determination of squid specifications.

SUMMARY: NOAA issues this notice to provide the final determination of the specifications increase for the *Loligo* squid fishery during the fishing year 1985-1986, ending March 31, 1986. This action is required by procedures established in the regulations implementing the Fishery Management Plan for the Atlantic Mackerel, Squid, and Butterfish Fisheries (FMP).

EFFECTIVE DATE: March 26, 1986.

FOR FURTHER INFORMATION CONTACT: Salvatore A. Testaverde, NMFS, 617-281-3600, Ext. 273.

SUPPLEMENTARY INFORMATION: The final initial specifications for the FMP for the fishing year 1985-1986 (50 FR 20215, May 15, 1985) establishing an initial optimum yield (IOY) for *Loligo* squid of 28,200 metric tons (mt). Regulations at 50 CFR Part 655 require that any adjustments to the IOY will be published in the **Federal Register**, giving the reasons for such adjustments. Paragraph 655.22(f) of the regulations directs the Secretary of Commerce to issue a notice of adjustment and to provide a public comment period. A notice was published (51 FR 959, January 9, 1986) which increased the *Loligo* squid IOY by 2,000 mt. This amount represents an increase in the total allowable level of foreign fishing (TALFF). One comment was received during the comment period, which ended January 23, 1986.

Comment: The comment, from the New England Fishery Management Council's Foreign Fishing Committee (Committee), recommended that any further squid allocations for the remainder of the 1985-86 fishing year be released in ratios as follows: 2 mt of TALFF to 1 mt of domestic shoreside processed product, or 1 mt of TALFF to 1 mt of domestic catcher-processor vessel product.

Response: The agency has adjusted TALFF and IOY for *Loligo* as proposed in its notice of January 23, 1986. The agency opted to adhere to policy

adopted in March 1985 in setting initial specifications for the 1985-86 fishing year, recommending adjustment to TALFF (2 mt) based on purchases of U.S.-processed product (1 mt). To adopt a different policy at this late point in the fishing year could be construed as being both arbitrary and a disincentive to future actions by those who have been purchasing U.S.-product based on the previously stated policy. Also, the purchases-to-TALFF ratios proposed by the Committee would grant a competitive advantage unrelated to resource conservation to one group of U.S. processors over another, contrary to the Magnuson Act, national standard 4, and to the laws of the United States that govern competition.

This document corrects a number of errors in the earlier document (51 FR 959, January 9, 1986), which stated that the revised specifications applied to Fishing Year 1984-85. This was incorrect; the revised specifications applied to this Fishing Year, 1985-86, ending March 31, 1986. Also, the table of specifications contained errors which are corrected here. The Allowable Biological Catch (ABC) amounts for squid were reported incorrectly as: 44,000 mt *Loligo* and 30,000 mt *Illex*. The correct ABC amounts are 33,000 mt *Loligo* and 25,000 mt *Illex*.

Classification

This action is authorized by 50 CFR Part 655 and complies with Executive Order 12291.

List of Subjects in 50 CFR Part 655

Fisheries, Reporting and recordkeeping requirements.

(16 U.S.C. 1801 et seq.)

Dated: March 24, 1986.

Carmen J. Blondin,
Deputy Assistant Administrator for Fisheries
Resource Management, National Marine
Fisheries Service.

[FR Doc. 86-6784 Filed 3-26-86; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register

Vol. 51, No. 59

Thursday, March 27, 1986

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 85-AWA-47]

Proposed Alteration of VOR Federal Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of Notice of proposed rulemaking.

SUMMARY: This notice withdraws the Notice of Proposed Rulemaking (NPRM), Airspace Docket No. 85-AWA-47, which was published in the *Federal Register* on January 16, 1986 (51 FR 2403). That NPRM proposed to alter the description of a segment of Federal Airway V-426 located in the vicinity of St. Louis, MO, that would eliminate a dogleg between St. Louis and Decatur, IL.

DATE: This withdrawal is effective March 26, 1986.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace and Air Traffic Rules Branch (ATO-230), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 426-8626.

The Proposed Rule

On January 16, 1986, a Notice of Proposed Rulemaking was published in the *Federal Register* to alter the description of a segment of Federal Airway V-426 located in the vicinity of St. Louis, MO (51 FR 2403). This would have eliminated a dogleg in that airway between St. Louis and Decatur, IL, by creating a direct route. However, after further study, the FAA has determined that the realignment would not serve the public in a meaningful manner and has withdrawn the proposal.

Conclusions

The FAA has made a determination that Airspace Docket 85-AWA-47 be withdrawn.

List of Subjects in 14 CFR Part 71

Aviation safety, VOR Federal airways.

Withdrawal of the Proposal

Accordingly, pursuant to the authority delegated to me, the Notice of Proposed Rulemaking, Airspace Docket No. 85-AWA-47, as published in the *Federal Register* on January 16, 1986 (51 FR 2403), is hereby withdrawn.

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) [Revised Pub. L. 97-449, January 12, 1983]; 14 CFR 11.69.

Issued in Washington, DC, on March 19, 1986.

Daniel J. Peterson,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 86-6611 Filed 3-26-86; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 91

[Docket No. 24911; Petition Notice PR 86-4]

Petition of General Aviation Manufacturers Association; To Require That Fueling Ports in Piston Engine Powered Civil Aircraft Be Restricted to Less Than 2.5 Inches in Diameter

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Petition for rulemaking.

SUMMARY: This notice publishes for public comment the petition of the General Aviation Manufacturers Association dated January 22, 1986. The petitioner proposes to amend Part 91 of the Federal Aviation Regulations (FAR) to require owners of all small, multi-piston engine and all turbocharged single, piston engine powered airplanes with fueling ports larger than 2.5 inches in diameter (or, in the case of other than circular fueling ports, with any dimension larger than 2.5 inches) to restrict the size of the fueling ports to 2.5 inches. GAMA further requests that the FAA issue a new advisory circular, or amend AC 20-122, to advise Fixed Base Operators (FBO's) and other airport fuel suppliers and airport authorities that use

of any fueling nozzle for the dispensing of aviation turbine fuel not meeting SAE AS 1852, or an equivalent, is considered an *unsafe practice*. GAMA also requests that the FAA study the advisability of extending the requirement for fuel tank restrictors to all large and small piston engine powered airplanes, particularly those for which there is a similar turbine powered version.

The purpose of this notice is to improve the public's awareness of this aspect of FAA's regulatory activities. Publication of this notice is not intended to affect the legal status of the petition or its final disposition.

DATE: Comments must be received on or before May 27, 1986.

ADDRESS: Send comments on this petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 24911, 800 Independence Avenue SW., Washington, DC 20591, or deliver in triplicate to Room 916, 800 Independence Avenue SW., Washington, DC. Comments delivered must be marked: Docket No. 24911. Comments may be inspected in Room 916 weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: Philip J. Akers, Technical Analysis Branch (AWS-120), Aircraft Engineering Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, telephone (202) 426-8323.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to submit such written data, views or arguments on the petition as they may desire. Communications should identify the docket and petition notice number and be submitted in triplicate to the address indicated above. All communications received on or before the closing date will be considered before taking action on the petition. All comments submitted will be available for examination in the FAA docket. Persons wishing the FAA to acknowledge receipt of the comments received in response to this notice should submit a self-address stamped postcard which states "Comment to Docket No. 24911." The postcard will be

date/time stamped and returned to the commenter.

Normally, the FAA only summarizes petitions for rulemaking for publication in the **Federal Register**. In the case of the petition by GAMA, however, an agency has elected to publish the petition verbatim because, if adopted, the petition may have a significant impact. This action precludes any loss of thought or meaning which might occur in a summarization of the petition. The FAA further wishes commenters to address the following questions in addition to providing comments on material and discussions provided by GAMA. Answers to the questions will assist the agency in its evaluation of the merits of the petition. A discussion of the merits of the issues raised by the FAA is desired rather than a simple yes or no response to the questions.

1. Besides the proposal to place restrictors in twin-engine and turbocharged single-engine airplanes, is there a different population of airplanes that should be considered?

2. Should the restrictors be required in all large (above 12,500 pounds gross weight) airplanes? Why?

3. Should the proposal be expanded to include helicopters? Why?

4. What is the cost of fuel restrictor kits?

5. Could present suppliers satisfy the likely increase in demand if this petition is implemented?

Although this notice sets forth the contents of the petition as received by the FAA without changes, it should be understood that its publication to receive public comment is in accordance with FAA procedures governing petitions for rulemaking. It does not propose a regulatory rule for adoption, represent an FAA position, or otherwise commit the agency on the merits of the petition. The FAA intends to proceed to consider the petition under the applicable procedures of Part 11 and reach a conclusion on the merits of the proposal after it has had an opportunity to evaluate the petition carefully in light of the comments received and other relevant matters presented. If the FAA concludes that it should initiate public rulemaking action on the petition, appropriate rulemaking action, including an evaluation of the proposal, will be published.

The Petition

Accordingly, the Federal Aviation Administration publishes verbatim for public comment the following petition for rulemaking of the General Aviation Manufacturers Association dated January 22, 1986.

Issued in Washington, DC, on March 20, 1986.

Donald P. Byrne,

Acting Assistant Chief Counsel Regulations and Enforcement Division.

January 22, 1986.

The Honorable Donald D. Engen,
Administrator,

Federal Aviation Administration, Room 1010,
800 Independence Avenue SW.,
Washington, DC 20591

Subject: Petition To Require That Fueling Ports in Piston Engine Powered Civil Aircraft Be Restricted to Less Than 12.5 Inches in Diameter

Dear Mr. Engen: In accordance with FAR 11.25, the General Aviation Manufacturers Association (GAMA) respectfully petitions the FAA to require owners of all small, multi-piston engine and all turbocharged single, piston engine powered airplanes with fueling ports larger than 2.5 inches in diameter (or, in the case of other than circular fueling ports, with any dimension larger than 2.5 inches) to restrict the size of the fueling ports to 2.5 inches. Fueling ports 2.5 inches or smaller are not able to receive the new jet fueling nozzle. GAMA further requests that the FAA issue a new advisory circular, or amend AC 20-122, to advise FBO's and other airport fuel suppliers and airport authorities that use of any fueling nozzle for the dispensing of aviation turbine fuel not meeting SAE AS 1852, or an equivalent, is considered an *unsafe practice*. GAMA also requests that the FAA study the advisability of extending the requirement for fuel tank restrictors to all large and small piston engine powered airplanes, particularly those for which there is a similar turbine engine powered version.

As you are aware, GAMA and many other aviation organizations, fuel suppliers and government agencies joined together under the title, Aircraft Misfueling Task Force, in a program to minimize the needless accidents caused by misfueling of piston engine powered aircraft with jet fuel. Various public relations programs, including the industry sponsored airplane and fuel nozzle decal program, have made the public somewhat aware of the problem, though it has not prevented a number of misfueling accidents. The Task Force determined that the only reasonably sure way to prevent additional misfueling accidents is to devise a means by which jet fuel could not be deliberately, but mistakenly, put into a piston engine powered aircraft.

The methodology adopted involved restricting the fueling ports of piston engine powered aircraft to a size smaller than that of a jet fueling nozzle, which size (diameter) would, of necessity, be established with a sufficient margin above the maximum size of a port for a piston engine powered aircraft. Considering fueling equipment in the field and the range of fueling ports on all types of aircraft currently operating, the following was agreed upon and incorporated into SAE AS 1852.

AIRFRAME REFUELING PORTS

Type of service fuel	Standardized limitations	Refueling port-free opening	
		Metric units (mm)	English units (inches)
Aviation gasolines	Maximum opening diameter	60	2.36
Aviation turbine fuels	Minimum opening diameter	75	2.95

GROUND REFUELING NOZZLES

Type of service fuel	Standardized limitations	Refueling nozzle tip dimensions	
		Metric units (mm)	English units (inches)
Aviation gasoline	Maximum nozzle tip diameter	49	1.93
Aviation turbine fuels	Minimum nozzle tip diameter ¹	67	2.64
	Maximum nozzle tip width ¹	50	1.97

¹ Turbine fuel nozzles must adopt an elongated or elliptical tip cross section with maximum and minimum axes within dimensional limits noted above.

GAMA members voluntarily amended the type of certificates of aircraft in production so that, since January 1, 1985, all newly produced aircraft meet SAE AS 1852 size limits for refueling ports. For newly designed airplanes, GAMA proposed, at the Part 23 Airworthiness Review in October of 1984, that the limits in the SAE AS 1852 be adopted in FAR 23. GAMA members changed production aircraft and GAMA proposed this solution for new designs in order to ensure that piston engine airplanes are no longer produced with the typical three inch fuel filler opening. We all recognize that the three inch filler port was used over the years in order to enable aircraft operating into airports where there was scheduled airline service to receive fuel from the same fueling facility as was used by the then piston engine powered airliners. In many airports, the typical fueling facility had but one size of fuel hose, a two and one-half inch hose, in order to rapidly fill the piston engine powered airliners.

Fuel tank restrictor hardware was developed and tested, and service bulletins were approved for virtually all airplane types produced in the past 15 years, not just for the types of airplanes which are the subject of our petition for a mandatory design change. FAA approved the installation of the down-size adapter by the pilot if accomplished in accordance with an aircraft manufacturer's service bulletin and also issued Advisory Circular 20-122 detailing the availability of the adapter kits.

In an effort to foster voluntarily installation of the anti-misfueling hardware, the General Aviation Manufacturers Association and the National Air Transportation Association fielded a cooperative program of advertising and public relations. A full page magazine ad feature famed airshow pilot Bob Hoover reminded pilots that "If It Happened to Me, It Can Happen to You." Hoover's message to overcome pilot complacency on the issue carried weight—Hoover himself crashed in the late 1970's after his piston engine

powered twin was misfueled after an airshow in San Diego.

Supporting stories in the aviation trade press elaborated on Hoover's misfueling experience and other recent misfueling accidents. To date, the full page ads have run in the nearly 50 public service placements in national and regional aviation publications. Major national aviation publications on the West Coast continue to run the ad at the rate of one page per publication per month. The campaign is supported by airport posters mailed to thousands of FBOs nationwide for display in pilot lounges.

In order to positively minimize misfueling with jet fuel, particularly in the high risk twin and turbocharged single piston engine powered airplanes, the FAA must require the changes necessary to restrict fuel filler ports to a smaller opening such that the new, larger fuel filler to be used or being used for jet aircraft cannot fit. For newly manufactured piston engine powered airplanes, the specific, maximum dimension of 2.36 inches is appropriate. However, the new jet fuel nozzle, also covered in the SAE specification, will not fit in any fueling port 2.5 inches or smaller. In order to avoid the expense of modifying airplanes that might have fueling ports 2.5 inches or smaller, but not as small as 2.36 inches in diameter, this petition requests that only those piston engine powered airplanes with refueling ports larger than 2.5 inches be required to be modified.

While GAMA does not presume that there is only one way to amend the regulations to accomplish the objective of minimizing misfueling, GAMA does not recommend that FAA consider making the installation of the fueling port restrictors a required design change in the high risk airplanes, to be accomplished no later than one year after adoption of the requirement, in accordance with the requirements of FAR 21.99(b), on the grounds that service experience has shown that the change in the type design will contribute to the improved safety of the product. We believe that the NTSB concurs with GAMA's finding that the safety of the product will be improved with this change. If the FAA considers it appropriate, particularly in the case of airplanes for which the manufacturer no longer holds the type certificate (and thus could not make the appropriation design changes) and for any other class of aircraft with refueling ports 2.5 inches or larger, the following format should be considered:

"After (one year after adoption of the requirement), no person may operate a small, multi-engine or turbocharged single piston engine powered that

- (1) Has a circular fueling port larger than 2.5 inches in diameter; or
- (2) Has any other shape of fueling port that can accept a fueling nozzle which is greater than 2.5 inches in the longest dimension."

The FAA is aware that restrictor kits for most types of airplanes in the fleet have been developed and approved, by FAA, as amendments to the type certificate. FAA approved service bulletins containing installation instructions have been prepared. Typically, the restrictor costs about \$35.00 per fuel filler port. Restrictor kits are available from airplane manufacturers and

from other aviation parts sources.

Administrative expenses and FAA approval of the individual devices have been absorbed by the various manufacturers. For some airplane types, changes to the fuel filler port and cap are being made primarily for purposes other than to prevent misfueling. For these airplanes, the size of the filler port is also being changed to conform to the SAE Specification.

At least one aviation insurance company, as part of its program to publicize the availability and encourage the installation of the restrictors, reimburses owners of aircraft for the cost of this installation. In addition, this same insurance company is reimbursing its insured retail fuel distributors for the cost of the SAE specification jet fueling nozzle.

There have been a number of claims to the effect that the fuel tank restrictors are unnecessary on some types of aircraft because, for instance, the possibility of mistaking a small, single, piston engine high wing airplane with a business jet is not present. There have been other claims that the new jet fueling nozzle doesn't work in some aircraft requiring jet fuel. Another claim is that the change is cost effective only for twin, piston engine powered airplanes.

Though GAMA believes that safety will be enhanced if all piston engine powered aircraft have the smaller size fueling port (for instance, when, at night, the line person drove the wrong (jet) fuel truck to the airplane and filled it with Jet A), the accident and incident record does not appear to support extension of the required design change to other than the classes of aircraft listed (small, multi-engine and turbocharged single, piston engine powered). Problems with the new jet fueling nozzle may also surface. Publication of this petition will give interested parties an opportunity to note these situations and suggest amendments to the proposal, thus improving it.

GAMA urges you to take expedited action on this petition in order to minimize the risk to the public, including the aircraft operators of piston engine powered aircraft, their passengers and crews, and persons on the ground who may be in the flight paths of aircraft that cannot continue flight because of misfueling.

GAMA appreciates your consideration of our request.

Sincerely,

Stanley J. Green,

Vice President.

[FR Doc. 86-6544 Filed 3-26-86; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 91

[Docket No. 24913; Petition Notice PR 86-5]

Petition of General Aviation Manufacturers Association; Supplementary Power Source for Essential Instruments for Flight Into Instrument Meteorological Conditions

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Petition for rulemaking.

SUMMARY: This notice publishes for public comment the petition of the General Aviation Manufacturers Association dated January 22, 1986. The petitioner proposes to amend Part 91 of the Federal Aviation Regulations (FAR) to require a backup power source for vacuum/pressure-driven gyroscopic flight instruments be installed on airplanes to be flown in instrument meteorological conditions. GAMA believes that installation of a backup power source for such instruments will have a substantial positive impact on safety. GAMA requests that the FAA define the high risk class of aircraft and issue a mandatory type design change for this class of aircraft if they are operated in instrument meteorological conditions.

The purpose of this notice is to improve the public's awareness of this aspect of FAA's regulatory activities. Publication of this notice is not intended to affect the legal status of the petition or its final disposition.

DATE: Comments must be received on or before May 27, 1986.

ADDRESS: Send comments on this petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 24913, 800 Independence Avenue SW., Washington, DC 20591, or deliver in triplicate to Room 916, 800 Independence Avenue SW., Washington, DC. Comments delivered must be marked: Docket No. 24913. Comments may be inspected at Room 916 weekdays, except holidays, between 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: Philip J. Akers, Technical Analysis Branch (AWS-120), Aircraft Engineering Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, telephone (202) 426-8323.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to submit such written data, views, or arguments on the petition as they may desire. Communications should identify the docket and petition notice number and be submitted in triplicate to the address indicated above. All communications received on or before the closing date will be considered before taking action on the petition. All comments submitted will be available for examination in the FAA docket. Persons wishing the FAA to acknowledge receipt of the comments received in response to this notice

should submit a self-addressed stamped postcard which states "Comment to Docket No. 24913." The postcard will be date/time stamped and returned to the commenter.

Normally, the FAA only summarizes petitions for rulemaking for publication in the *Federal Register*. In the case of the petition of GAMA, however, the agency has elected to publish the petition verbatim because, if adopted, the petition may have a significant impact. This action precludes any loss of thought or meaning which might occur in a summarization of the petition.

The FAA further wishes commenters to address the following questions in addition to providing comments on material and discussions provided by GAMA. Answers to the questions will assist the agency in its evaluation of the merits of the petition. A discussion of the merits of the issues raised by the FAA is desired rather than a simple yes or no response to the questions.

1. Is the partial panel training which is required to obtain an Instrument Flight Rule (IFR) rating adequate?

2. Is the failure of vacuum powered instruments (partial panel) considered to be life threatening by the typical IFR rated pilot?

3. What class of aircraft should be addressed by the suggested rule change? Should those aircraft using a vacuum system for other than instruments be included, i.e., deicing boots and pressurization?

4. Should the supplementary power source be of a different design so that a common failure or fault (such as dirty air filters or hoses) will not cause simultaneous failure of both the primary and a secondary power sources?

5. Should the supplementary power source be required if the primary source is not a vacuum system?

6. What are the total costs (including installation) of putting supplementary power sources in new and existing aircraft?

7. Could present manufacturers of this equipment satisfy the expected increase in demand in a timely manner if this petition is implemented by FAA?

8. How significant would the maintenance and operating costs (i.e., weight penalty) be for these systems?

9. Would any other alternatives (e.g., more partial panel training) be more cost-effective?

10. Are complex, high performance aircraft at greater risk of this type of failure?

Although this notice sets forth the contents of the petition as received by the FAA without changes, it should be understood that its publication to receive public comment is in accordance

with FAA procedures governing petitions for rulemaking. It does not propose a regulatory rule for adoption, represent an FAA position, or otherwise commit the agency on the merits of the petition. The FAA intends to proceed to consider the petition under the applicable procedures of Part 11 and reach a conclusion on the merits of the proposal after it has had an opportunity to evaluate the petition carefully in light of the comments received and other relevant matters presented. If the FAA concludes that it should initiate public rulemaking action on the petition, appropriate rulemaking action, including an evaluation of the proposal, will be published.

The Petition

Accordingly, the Federal Aviation Administration publishes verbatim for public comment the following petition for rulemaking of the General Aviation Manufacturers Association dated January 22, 1986.

Issued in Washington, DC, on March 20, 1986.

Donald P. Byrne,

Acting Assistant Chief Counsel Regulations and Enforcement Division

January 22, 1986

The Honorable Donald D. Engen,
Administrator,

Federal Aviation Administration, Room 1010,
800 Independence Avenue SW.,
Washington, DC 20591

Subject: Supplementary Power Source for
Essential Instruments for Flight into
Instrument Meteorological Conditions

Dear Mr. Engen: As part of continuing efforts to improve safety, the General Aviation Manufacturers Association (GAMA) strongly supports the ongoing inquiry by the FAA into the need for an alternate source of power for vacuum/pressure driven gyroscopic flight instruments for airplanes flown in instrument meteorological conditions. As you know, GAMA member companies are providing back-up power systems for essential vacuum/pressure driven instruments on all newly manufactured airplanes. GAMA believes there is compelling logic for a second power source for essential instruments. Alternative approaches, such as increased partial panel training and the installation of warning lights in case of a failure, may also reduce the accident rate.

Vacuum system failures are rare, but they do happen. If such failures occur under visual meteorological conditions, or in aircraft being flown by pilots trained and currently competent to cope with partial panel instruments, only annoyance and inconvenience may result. On the other hand, if the failure occurs under actual instrument meteorological conditions with a pilot unprepared to handle flight with failed instruments, another "pilot error" fatality may occur without even determining the reason for loss of control.

Though GAMA believes that safety would be enhanced if all airplanes operating in instrument meteorological conditions had a backup power source, the accident/incident records show that failures leading to accidents mostly occurred in complex airplanes with relatively high engine horsepower. GAMA is convinced that installation of a backup power source in this class of airplanes will have a substantial positive impact on safety.

The identification of the higher risk class of airplanes can, of course, be made from FAA and NTSB accident and incident records of accidents in which failure of the attitude instrument power source was indicated as a cause. FAA should identify and define the high risk class by engine horsepower, operating characteristics, or some other means.

GAMA requests that FAA define this class and, in accordance with FAR 11.25, respectfully petitions the FAA to issue a mandatory type design change, in accordance with FAR 21.99(b), for airplanes of this class if operated in instrument meteorological conditions. It's not believed that such a requirement would pose an undue burden on operation of these complex, higher performance airplanes.

There have been a number of articles in the trade press encouraging operators to install backup power sources. Several different supplemental type certificates have been sought, which assures that there is a competitive marketplace to meet a backup power source requirement.

GAMA members will develop and seek FAA approval for the appropriate design changes to be incorporated under FAR 21.99(b), and, when approved, will make the information on the design changes available to all operators of the same types of airplanes. We will continue to publicize these design improvements and hope that other segments of the aviation community support these efforts.

Your consideration of this request is appreciated.

Sincerely,

Stanley J. Green,

Vice President.

[FR Doc. 86-6543 Filed 3-26-86; 8:45 am]

BILLING CODE 4910-13-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[OAR-FRL-2993-1]

Standards of Performance for New Stationary Sources Industrial Surface Coating; Plastic Parts for Business Machines; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a proposed rule on standards of performance for new stationary sources industrial surface coating; plastic parts for business machines that appeared at page 854 in the **Federal Register** of Wednesday, January 8, 1986, (51 FR 854). This action is necessary to correct an error.

FOR FURTHER INFORMATION CONTACT: For policy questions—Mr. C. Douglas Bell, Standard Development Branch, Emission Standards and Engineering Division (MD-13), U.S. EPA, Research Triangle Park, North Carolina 27711 telephone number (919) 541-5624. For technical questions—Mr. James C. Berry, Chemicals and Petroleum Branch, Emission Standards and Engineering Division (MD-13), U.S. EPA, Research Triangle Park, North Carolina 27711 telephone number (919) 542-5605.

The following correction is made in the proposed rule appearing on page 866 in the **Federal Register** in the issue of January 8, 1986.

On page 866, first column in § 60.720(b) "(the date of publication of this final rule in the **Federal Register**)" should read "(date of publication in the **Federal Register**)" which would have been computed to read "January 8, 1986".

Dated: March 21, 1986.

J. Craig Potter,

Assistant Administrator for Air and Radiation.

[FR Doc. 86-6750 Filed 3-26-86; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 799

[OPTS-42034C (FRL-2991-9)]

Ethyltoluenes, Trimethylbenzenes, and the C9 Aromatic Hydrocarbon Fraction; Proposed Test Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA has issued a final rule for the first phase of a two-phase test rule under section 4(a) of the Toxic Substances Control Act (TSCA) requiring that manufacturers and processors of the C9 aromatic hydrocarbon fraction (C9 fraction) obtained from the reforming of crude petroleum test the C9 fraction for neurotoxicity, mutagenicity, developmental toxicity, reproductive effects, and oncogenicity (unless certain mutagenicity test results are negative). The Agency is now proposing that the protocols submitted by the American Petroleum Institute (API), with minor

additions as proposed by the Agency, be adopted as the test standards for the C9 fraction under this test rule. The Agency is also proposing schedules for the testing. This notice begins the second phase of the C9 fraction test rule.

DATE: Submit written comments on or before May 12, 1986.

ADDRESS: Submit written comments, identified by the document control number (OPT-42034C), in triplicate to: TSCA Public Information Office (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-108, 401 M St. SW., Washington, DC 20460.

A public version of the administrative record supporting this action (with any confidential business information deleted) is available for inspection at the above address from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Edward A. Klein, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-543, 401 M St. SW., Washington, DC 20460, Toll free: (800-424-9065), In Washington, DC: (544-1404), Outside the U.S.A.: (Operator-202-554-1404).

SUPPLEMENTARY INFORMATION: In the **Federal Register** of May 17, 1985 (50 FR 20662), EPA issued a final Phase I rule under section 4(a) of TSCA to require testing of the C9 aromatic hydrocarbon fraction obtained from the reforming of crude petroleum for specific health effects. The Agency is now proposing that the industry-submitted protocols and additions to it as proposed by the Agency be adopted as the test standards for the required testing. The Agency is also proposing schedules for the testing.

I. Background

The ITC designated ethyltoluenes (mixed isomers) and 1,2,4-trimethylbenzene for priority testing consideration in its Tenth Report, published in the **Federal Register** of May 25, 1982 (47 FR 22585), and recommended in its Eleventh Report, published in the **Federal Register** of December 3, 1982 (47 FR 54624), that the other trimethylbenzenes (1,2,3- and 1,3,5-isomers) be considered for testing. EPA issued a proposed phase I test rule in the **Federal Register** of May 23, 1983 (48 FR 23088) under 40 CFR 799.1625 *C9 aromatic hydrocarbon*, which would require that testing of the C9 aromatic hydrocarbon fraction containing *ortho*-, *meta*-, and *para*-isomers of ethyltoluene and the 1,2,3-, 1,3,5- and 1,2,4-isomers of trimethylbenzene be performed. EPA promulgated the final phase I rule

requiring testing of the C9 fraction in the **Federal Register** of May 17, 1985 (50 FR 20662). Because of a rearrangement of Part 799, the final rule for the C9 fraction was recodified to § 799.2175. For a detailed discussion of EPA's findings and testing requirements for the C9 fraction, the reader should refer to the final phase I rule. In accordance with the Test Rule Development and Exemption Procedures for two-phase rulemaking in 40 CFR Part 790, persons subject to this rule were required to submit letters of intent to perform the testing or exemption applications. Those submitting letters of intent were required to submit proposed study plans and schedules for the testing required in the final phase I rule.

Only July 31 and August 30, 1985, the U.S. manufacturers and processors of the C9 fraction jointly notified EPA of their intent to sponsor through the American Petroleum Institute (API) the testing required in the phase I test rule (Refs. 1 and 2). API submitted proposed study plans on September 30, 1985 (Ref. 3) and revisions to the plan on January 10, 1986 (Ref. 4).

EPA is now proposing that the submitted protocols, including the minor additions as proposed by EPA, be adopted as the test standards for the required testing of the C9 fraction. The Agency is also proposing schedules which it believes are more reflective of the time necessary to complete the required testing than those proposed by API.

II. Proposed Test Standards

API has notified EPA on behalf of those API members who are subject to this rule that it intends to conduct the testing required in the final phase I rule for the C9 fraction in 40 CFR 799.2175. API has submitted proposed study plans for the required testing (Refs. 3 and 4). The proposed study plans contain the following tests: *In Vitro* Mammalian Cytogenetics Assay utilizing Chinese Hamster ovary cells; *Salmonella typhimurium* Reverse Mutation Assay; *In Vitro* Sister Chromatid Exchange Assay utilizing Chinese Hamster ovary cells; *In Vitro* Mammalian Cell Mutagenesis Assay utilizing Chinese Hamster ovary cells; *In Vivo* Mammalian Bone Marrow Cytogenetics Assay in rats; *In Vitro* Mammalian Cell Mutagenesis Assay utilizing mouse lymphoma L5178Y cells; Sex-Linked Recessive Lethal Test in *Drosophila melanogaster*; Dominant Lethal Assay in rats; Heritable Translocation Assay in mice; Mouse Visible Specific Locus Test; Inhalation Carcinogenesis Study in rats and mice; Developmental Toxicity Study

in rats and mice; Two Generation (One Litter) Inhalation Reproduction Study in rats; and Neurotoxicity Study in rats.

API has stated that these studies will be conducted in accordance with EPA TSCA Good Laboratory Practice Standards as set forth in 40 CFR Part 792.

The proposed study plans are available in the public docket for this action. The test plans submitted by API have been reviewed by the Agency and generally conform to the TSCA Health Effects Test Guidelines in 40 CFR Part 798 for the required studies. Where exceptions exist, EPA has proposed that certain additions be made to guarantee conformity with the guidelines. These additions are being proposed in order to ensure that the data resulting from the required testing of C9 fraction are reliable and adequate. The Agency is proposing that these study plans with the specific additions be adopted as the test standards for performing the required health effects testing of the C9 fraction required under 40 CFR 799.2175.

III. Reporting Requirements

The Agency is proposing specific schedules for completing studies and submitting final reports on the required testing for the C9 fraction. The Agency believes that the schedules proposed by API and included in its proposed study plan allow for an unreasonable amount of time to take place before initiating testing and reporting the final results for all of the required studies. The Agency believes API's testing schedule is unacceptable.

The Agency, therefore, is proposing specific reporting requirements for each of the proposed test standards as follows:

A final report for the reproductive study shall be submitted to the Agency within 29 months of the effective date of the final phase II rule. Interim progress reports shall be provided quarterly.

A final report for the developmental toxicity study shall be submitted within 12 months of the effective date of the final phase II rule. Interim progress shall be provided quarterly.

A final report for the neurotoxicity study shall be submitted within 15 months of the effective date of the final phase II rule. Interim progress reports shall be provided quarterly.

The mutagenicity studies shall be completed and the final results submitted to the Agency as follows:

First tier gene mutation and chromosomal aberration tests within 1 year of the effective date of the final phase II rule.

Second tier gene mutation and chromosomal aberration tests within 2

years of the effective date of the final phase II rule.

Third tier gene mutation tests within 4 years of the effective date of the final phase II rule. Interim quarterly progress reports shall be provided for all tests.

The oncogenicity test, to be conducted unless certain tier I or II mutagenicity tests are all negative (see 50 FR 20677), shall be completed and the final results submitted to the Agency within 53 months after submission of the final results of the first non-negative mutagenicity test. Interim progress reports shall be provided quarterly.

As required by TSCA section 4(d), the Agency plans to publish in the *Federal Register* a notice of the receipt of any test data submitted under this test rule within 15 days after receipt of the data. Except as otherwise provided in TSCA section 14, such data will be made available for examination by any person.

IV. Issues for Comment

The Agency invites comments on the proposed study plans submitted by API and the additions proposed by EPA; copies of these study plans are included in the public record for this action. EPA also invites public comment on the proposed schedules for the required testing.

V. Public Record

EPA has established a record for this rulemaking, [docket number OPTS-42034C]. This record includes basic information considered by the Agency in developing this proposal and appropriate *Federal Register* notices. The Agency will supplement the record with additional information as it is received.

This record includes the following information:

A. Supporting Documentation

1. Final Phase I rule on C9 aromatic hydrocarbon fraction (50 FR 20662).
2. Written public comments and letters.
3. Contact reports of telephone conversations.

B. References

1. API. Letter from W.F. O'Keefe to TSCA Public Information Office. U.S. Environmental Protection Agency, Washington, DC, 20460. July 31, 1985.
2. API. Letter from W.F. O'Keefe to TSCA Public Information Office. U.S. Environmental Protection Agency, Washington, DC, 20460. August 30, 1985.
3. API. Proposed Study Plan Toxicity Testing of Ethyltoluenes, Trimethylbenzenes and the C9 Aromatic Hydrocarbon Fraction. September 30, 1985.
4. API. Letter from W.F. O'Keefe to TSCA Public Information Office. U.S. Environmental Protection Agency, Washington, DC, 20460. January 10, 1986.

The record is available for inspection from 8 a.m. to 4 p.m., Monday through Friday except legal holidays, in Rm. E-107, 401 M Street SW., Washington, DC 20460.

VI. Other Regulatory Requirements

A. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirements of a Regulatory Impact Analysis. This test rule is not major because it does not meet any of the criteria set forth in section 1(b) of the Order. The economic analysis of the testing of the C9 fraction is discussed in the Phase I test rule (50 FR 20662).

This proposed regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any written comments received from OMB are included in the public record for this rulemaking.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (15 U.S.C. 601 *et seq.*, Pub. L. 96-354, September 19, 1980), EPA is certifying that this test rule, if promulgated, will not have a significant impact on a substantial number of small businesses for the following reasons:

1. There are not a significant number of small businesses manufacturing the C9 fraction.
2. Small processors will not perform testing themselves, or participate in the organization of the testing efforts.
3. Small processors will experience only very minor costs, if any, in securing exemption from testing requirements.
4. Small processors are unlikely to be affected by reimbursement requirements, and any testing costs passed on to small processors through price increases will be small.

C. Paperwork Reduction Act

The Office of Management and Budget (OMB) has approved the information collection requirements contained in this proposed rule under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*, and has assigned OMB control number 2070-0033. Comments on these requirements should be submitted to the Office of Information and Regulatory Affairs: OMB; 726 Jackson Place, NW.; Washington, DC 20503 marked "Attention: Desk Officer for EPA." The final rule package will respond to any OMB or public comments on the information collection requirements.

List of Subjects in 40 CFR Part 799

Testing, Environmental protection, Hazardous substances, Chemicals, Reporting and recordkeeping requirements.

Dated: March 18, 1986.

John A. Moore,

Assistant Administrator for Pesticides and Toxic Substances.

PART 799—[AMENDED]

Therefore, is proposed that 40 CFR Part 799 be amended as follows:

1. The authority citation for Part 799 continues to read as follows:

Authority: 15 U.S.C. 2603, 2611, 2625.

2. By amending § 799.2175 by revising paragraphs (d)(1)(ii), (2)(ii), (3)(ii), (4)(ii), (5)(ii), and (6)(ii) and adding new paragraph (e), to read as follows:

§ 799.2175 C9 aromatic hydrocarbon fraction.

(d) * * *

(1) * * *

(ii) *Reporting requirements.* (A) The mutagenicity effects testing for chromosomal aberrations as contained in the first tier of testing which consists of an *in vitro* cytogenetics test and an *in vivo* cytogenetics test shall be completed and the final results submitted to the Agency within 12 months of the effective date of this final rule.

(B) The mutagenic effects testing for chromosomal aberrations as contained in the second tier of testing which consists of a dominant lethal assay shall be completed and the final results submitted to the Agency within 24 months of the effective date of this final rule.

(C) The mutagenic effects testing for chromosomal aberrations as contained in the third tier of testing which consists of a heritable translocation assay shall be completed and the final results submitted to the Agency within 48 months of the effective date of this final rule.

(D) Progress reports shall be submitted to the Agency for all chromosomal aberration studies quarterly beginning 90 days after the effective date of this final rule.

(2) * * *

(ii) *Reporting requirements.* (A) The mutagenic effects testing for gene mutations as contained in the first tier of testing which consists of a *Salmonella typhimurium* mammalian reverse mutation microsome assay, a sister chromatid exchange (SCE) assay, and a gene mutation in mammalian cells in culture assay shall be completed and the

final results submitted to the Agency within 12 months of the effective date of this final rule.

(B) The mutagenic effects testing for gene mutations as contained in the second tier of testing which consists of a second gene mutation in mammalian cells in culture assay and a *Drosophila* sex-linked recessive lethality test shall be completed and the final results submitted to the Agency within 24 months of the effective date of this final rule.

(C) The mutagenic effects testing for gene mutations as contained in the third tier of testing and which consists of a mouse specific locus assay shall be completed and the final results submitted to the Agency within 48 months of the effective date of this final test rule.

(D) Progress reports shall be submitted to the Agency for all gene mutation studies quarterly beginning 90 days after the effective date of this final test rule.

(3) * * *

(ii) *Reporting requirements.* (A) The oncogenicity testing shall be completed and the final results submitted to the Agency within 53 months after submission of the first non-negative test results in any of the following tests: *in vitro* cytogenetics, *in vivo* cytogenetics (if required), first gene mutation in cells in culture, second gene mutation in cells in culture (if required), and *Drosophila* sex-linked recessive lethality (if required).

(B) Progress reports shall be submitted to the Agency quarterly beginning 90 days after submission of the first non-negative mutagenicity test results for any of the studies indicated in paragraph (d)(3)(ii)(A) of this section.

(4) * * *

(ii) *Reporting requirements.* (A) The developmental toxicity testing shall be completed and the final results submitted to the Agency within 12 months of the effective date of this final rule.

(B) Progress reports shall be submitted to the Agency quarterly beginning 90 days after the effective date of this final rule.

(5) * * *

(ii) *Reporting requirements.* (A) The reproductive effects testing shall be completed and the final results submitted to the Agency within 29 months of the effective date of this final rule.

(B) Progress reports shall be submitted to the Agency quarterly beginning 90 days after the effective date of this final rule.

(6) * * *

(ii) *Reporting requirements.* (A) The neurotoxicity testing shall be completed and the final results submitted to the Agency within 15 months of the effective date of this final rule.

(B) Progress reports shall be submitted to the Agency quarterly beginning 90 days after the effective date of this final rule.

(e) *Test standards*—(1) *General.* The required testing specified in paragraph (d) of this section shall be conducted in accordance with the study plans for testing the C9 fraction developed by the American Petroleum Institute (API), 1220 L St., NW., Washington DC 20005, and submitted to the Agency on September 30, 1985, and the additional requirements specified in paragraph (e) of this section. Copies of the API study plans are located in the public record for this rule (docket no. OPTS-42034) and are available for inspection in EPA's OPTS Reading Rm., E-107, 401 M St., SW., Washington, DC 20460, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

(2) *Mutagenic effects.* For each study specified in paragraphs (d)(1) and (2)(i) (A), (B), (C), (D), and (E), the following are required.

(A) The study shall be repeated if a single, statistically significant dose group is detected that did not produce a dose-response effect.

(B) In addition to the criteria for determining a positive result given in the study plans specified in paragraph (e)(1) of this section, the detection of a reproducible and statistically significant response for at least one of the test substance concentrations shall be interpreted as a positive result.

(ii) For the mouse heritable translocation assay specified in paragraph (d)(1)(i)(D) of this section, the following are required.

(A) If the laboratory's historical control base is inadequate, concurrent positive and negative controls shall be conducted.

(B) Control data shall be presented whether it is historical or concurrent, and it shall be identified as either the one or the other.

(3) *Oncogenicity*—(i) *Dose levels and dose selection.* The lowest dose shall not be lower than 10 percent of the high dose.

(ii) *Duration.* Each study shall last the full life span of each species.

(iii) *Histopathology.* Target organs (including lungs and respiratory tract) in all animals shall be subject to a histopathological examination.

(iv) *Individual animal data.* (A) Food and water consumption data shall be reported.

(B) Ophthalmological data shall be recorded when the examination is performed.

(4) *Developmental toxicity.* Dams shall be killed before parturition.

(5) *Test substance*—(i) *Identity and source.* The remaining components, which may be as high as 25 percent of the test mixture, shall be characterized.

(ii) *Stability under test and storage conditions.* The atmosphere being inhaled by the animals shall be characterized with regard to concentration and identification of the components inhaled.

[FR Doc. 86-6646 Filed 3-26-86; 8:45 am]

BILLING CODE 6560-SO-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposed Determination of Endangered Status for *Pediocactus despainii* (San Rafael Cactus)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes to determine endangered status for *Pediocactus despainii* (San Rafael cactus). There are two known populations of this plant, about 25 miles apart and each containing 2,000-3,000 individuals. Both occur in central Utah (Emery County), mainly in areas administered by the Bureau of Land Management. This rare species is being sought by cactus collectors, one population is heavily impacted by recreational off-road vehicles (ORVs), and approximately half of each population is in areas covered by oil and gas leases and/or mining claims for gypsum. This proposal, if made final, would implement protection provided by the Endangered Species Act of 1973, as amended. The Service is requesting comments on this action.

DATES: Comments from all interested parties must be received by May 27, 1986. Public hearing requests must be received by May 12, 1986.

ADDRESSES: Comments and materials concerning this proposal should be sent to: Field Supervisor, Endangered Species Office, U.S. Fish and Wildlife Service, 2078 Administration Building, 1745 West 1700 South, Salt Lake City, Utah 84104. Comments and materials received will be available for public inspection, by appointment, during normal business

hours at the above address and at the Service's Grand Junction Field Office, Independence Plaza, Suite B113, 25½ Road, Grand Junction, Colorado 81505.

FOR FURTHER INFORMATION CONTACT: John Anderson, at the Grand Junction address above (303/241-0563 or FTS 322-0348) or John Larry England at the Salt Lake City address above (801/524-4430 or FTS 588-4430).

SUPPLEMENTARY INFORMATION:

Background

Pediocactus despainii (San Rafael cactus) was discovered in 1978 on the San Rafael Swell, a large anticline (geologic upwarp) in Emery County, Utah. The discovery was made by Kim Despain, a Brigham Young University (BYU) graduate student. Additional material was collected in 1979 by Despain, E. Neese, and K. Thorne of BYU, and also by K. Heil of San Juan College, Farmington, New Mexico (Heil 1984). The description of *Pediocactus despainii* was published the following year by Welsh and Goodrich (1980). A second population on the San Rafael Swell, approximately 25 miles from the first, was found in 1982 by S. Brack, a cactus nurseryman from Belen, New Mexico. In 1984, Heil conducted a status survey and did not locate any other populations. The San Rafael cactus is thus known from just two populations. One population occupies an area 3 miles across, and the other occupies an area 1 mile across. Each population contains 2,000 to 3,000 individual plants (Heil 1984).

Pediocactus despainii is small barrel-type cactus, 3.8 to 6.0 centimeters (1.5 to 2.3 inches) tall and 3.0 to 9.6 centimeters (1.2 to 3.8 inches) wide. Each areole or spine cluster contains no central spines and between 9 and 13 white, flattened, pectinate (comblike) radial spines that partially obscure the stem. The small flowers are about 2.5 centimeters (1 inch) across and are peach to yellow in color with a bronze tint. *Pediocactus despainii* is distinguished from other members of its genus by size, its naked (hairless) areoles, the bronze tint to its flowers, and other characteristics. With its diminutive size and peculiar habit of shrinking under ground for several months a year during dry or cold seasons, the recentness of the discovery of *Pediocactus despainii* is not surprising. It is only noticeably visible for a short time in the spring when it is in bloom. Otherwise, even if the exact location of its populations are known, it can be easily overlooked. It grows on hills, benches, and flats of the Great Basin Grassland. This habitat is savannahlike and contains scattered

junipers, pinyon pines, low shrubs, annuals, and perennial herbs. The occupied area is mostly administered by the Bureau of Land Management (BLM), but also includes one section owned by the State of Utah.

The genus *Pediocactus* contains eight species, one with two varieties and another with three (Heil et al. 1981). Except for one wide ranging species, all are rare endemics of the Four Corners region (Utah, Colorado, Arizona, and New Mexico). Four—*P. bradyi*, *P. knowltonii*, *P. peeblesianus* var. *peeblesianus*, and *P. sileri*—are currently listed as endangered. Another four—*P. despainii*, *P. paradinei*, *P. peeblesianus* var. *fickeiseniae*, and *P. winkleri*—are candidates for addition to the List of Endangered and Threatened Plants. These disjunct species are probably relicts of a once more widespread genus (Benson 1982). *Pediocactus despainii*, as a newly described rare cactus and as a member of a group of cacti eagerly sought by collectors both in this country and abroad, is endangered by collection pressures. The type locality is near a popular, though undeveloped, camping area and receives heavy use from off-road vehicles (ORVs), such as motorcycles. Approximately half of the range of *Pediocactus despainii* is covered by oil and gas leases and mining claims for gypsum. There has been surface disturbance associated with exploration for gypsum beds near the type locality.

In the *Federal Register* of December 15, 1980 (45 FR 82480), the Service published a notice of review for plants, which included *Pediocactus despainii* in Category 1. Category 1 comprises taxa for which substantial biological data are available to support listing actions. No comments on this taxon have been received in response to the 1980 notice. In the *Federal Register* of November 28, 1983 (48 FR 53640), the Service published a Supplement to the 1980 notice of review, in which *Pediocactus despainii* was changed to a Category 2 candidate. Category 2 comprises taxa for which the Service has information indicating the possible appropriateness of a proposal to list the taxa as endangered or threatened, but for which more substantial data are needed on biological vulnerability and threats. The status survey of Heil (1984), compiled through contract to the Service, provided the needed data.

Taxa covered by the 1980 plant notice of review, and/or the 1983 supplement, are treated as if under petition pursuant to the Endangered Species Act of 1973 as amended. The Act Amendments of

1982 required that petitions that were still pending as of October 13, 1982, be treated as having been received on that date. Section 4(b)(3) of the act require that, within 12 months of the receipt of such a petition, a finding be made as to whether the requested action is warranted, not warranted, or warranted but precluded by other activity involving additions to or removals from the Federal Lists of Endangered and Threatened Wildlife and Plants. Therefore, on October 13, 1983, the Service made the finding that determination of endangered status for *Pediocactus despainii* was warranted but precluded by other listing activity. Notice of this finding was published in the Federal Register of January 20, 1984 (49 FR 2458-2488), as corrected in the Federal Register of February 16, 1984 (49 FR 5977). In the case of such a finding, the petition is recycled and another finding becomes due within 12 months. On October 12, 1984, and again on October 11, 1985, additional findings of warranted but precluded were made with respect to the listing of *Pediocactus despainii*. Notices of these findings were published, respectively, in the Federal Register issues of May 10, 1985 (50 FR 19761-19763), and January 9, 1986 (51 FR 996-999). Still another finding is due by October 11, 1986, and that finding, to the effect that the petitioned action is warranted, is incorporated in this proposed rule.

Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations promulgated to implement the listing provisions of the Act (codified at 50 CFR Part 424) set forth the procedures for adding species to the Federal lists. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their application to *Pediocactus despainii* Welsh and Goodrich (San Rafael cactus) are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* The type locality of *Pediocactus despainii* is being heavily impacted by ORV's, as it is near a popular recreation area. The level of impact is such that in one area the individual plants were found literally growing between the crisscrossed ORV tracks, but none were seen in the ORV tracks themselves. About half of the area occupied by both populations contain oil and gas leases and mining claims for gypsum or other mineral. While no commercial development has

taken place or is likely to occur soon, surface disturbances from associated exploration and annual assessment work will continue to be a threat to the involved habitat. Semiarid grassland parks and understory vegetation of juniper-pinyon woodland are fragile habitats. They are easily invaded by aggressive native shrub and tree species or exotic weedy species when they are mechanically disrupted or when native grass species are removed. Another grassland cactus, *Opuntia imbricata* (tree cholla), was found to be significantly positively associated with some of the same native perennial grass species, and negatively associated with weedy species indicative of range deterioration, in the short grass prairie in El Paso County, Colorado (Kinraide 1978). Maintenance of the desert grassland parks and understory vegetation of juniper-pinyon woodland may be an essential habitat requirement for *Pediocactus despainii*.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* As indicated above in the "Background," this rare plant is highly desired by cactus collectors. It is known that such collectors "make the rounds" through the Four Corners area, from the habitat of one *Pediocactus* species to the next, to collect a complete set (Ken Heil, pers. comm.). The small size of these species makes them easy to hide and therefore hard to detect in interstate or international commerce.

C. *Disease or predation.* The effect of livestock grazing on *Pediocactus despainii* is unknown. Because of the small size of this cactus and its habit of shrinking underground for part of the year, grazing is thought to be not directly significant to its survival. However, there are cattle-watering reservoirs within the range of the first discovered population, which may cause localized concentrations of livestock and the possibility of trampling of a portion of that population. The effect of livestock grazing on the surrounding desert grassland and juniper-pinyon understory vegetation needs to be evaluated to determine its impact on *Pediocactus despainii*.

D. *The inadequacy of existing regulatory mechanisms.* Although BLM provides special management for candidate and "sensitive" species of plants and wildlife, listing of this species under the Act would invoke protections that do not exist under present law or regulations. The Act offers possibilities for additional protection of this taxon through the "Available Conservation Measures" discussed below. One population lies within a block of Federal

land proposed for selection by the State under Project Bold, a legislative proposal designed to consolidate State lands. If this site were to pass from Federal to State ownership, some benefits of the Act for *Pediocactus despainii* would be lost.

No treaties, except the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), and no Federal or State laws, directly protect *Pediocactus despainii*. CITES regulates international export and import but not interstate commerce, collecting for possession, or impacts to habitat.

E. *Other natural or manmade factors affecting its continued existence.* The fragile nature and vulnerability of the desert grassland and juniper-pinyon ecosystem, in which *Pediocactus despainii* occurs, have been mentioned above. Also, because of the low number of plants in just two populations, the possibility is increased that a catastrophic disturbance, either natural or manmade, could destroy a significant portion of the species. The San Rafael cactus has some natural protection afforded by its habit of shrinking into the ground for part of the year. However, it forms buds in the fall that overwinter to become the next spring's flowers (Heil *et al.* 1981). These flowering buds at ground level may be vulnerable to surface disturbance, increasing the portion of the year that the species' reproduction is vulnerable.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to propose this rule. Based on this evaluation, the preferred action is to list *Pediocactus despainii* as an endangered species. With only 4,000 to 6,000 individuals, and just two populations, collecting could lower its numbers significantly. Surface disturbances are impacting the ecosystem in which the San Rafael cactus occurs. Endangered status would be an accurate assessment of the taxon's condition. For the reasons given below, it would not be prudent to propose critical habitat.

Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that to the maximum extent prudent and determinable, the Secretary designate any habitat of a species which is considered to be critical habitat at the time the species is determined to be endangered or threatened. The Service finds that designation of critical habitat is not prudent for this species at this time. The BLM and State of Utah are

already aware of the occurrence of *Pediocactus despainii* on their land and have been informed of this proposal. As discussed under Factor "B" in the "Summary of Factors Affecting the Species," *Pediocactus despainii* is threatened by collecting, an activity difficult to prevent. For this reason, locality information and habitat description in previous articles (Welsh 1980, Heil *et al.* 1981) have been kept purposely vague. Publication of critical habitat descriptions and maps would make this species even more vulnerable than it is now.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies, groups, and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the States and requires that recovery actions be carried out for all listed species. Such actions are initiated by the Service following listing. The protection required of Federal agencies and the prohibitions against taking are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR Part 402, and are now under revision (see proposal at 48 FR 29990; June 29, 1983). Section 7(a)(4) requires Federal agencies to confer informally with the Service on any action that is likely to jeopardize the continued existence of a proposed species or result in destruction or adverse modification of proposed critical habitat. If a species is listed subsequently, section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service. The listing of *Pediocactus despainii* could possibly affect the BLM by requiring that agency to restrict traffic to some existing roads, in order to

minimize the impact from recreational ORV use, and to exercise special care in administering mining claims and oil and gas leases.

The Act and its implementing regulations found at 50 CFR 17.61, 17.62, and 17.63 set forth a series of general trade prohibitions and exceptions that apply to all endangered plant species. With respect to *Pediocactus despainii*, all trade prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR 17.61, would apply. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to import or export, transport in interstate or foreign commerce in the course of a commercial activity, or sell or offer for sale this species in interstate or foreign commerce. Certain exceptions can apply to agents of the Service and State conservation agencies. The Act and 50 CFR 17.62 and 17.63 also provide for the issuance of permits to carry out otherwise prohibited activities involving endangered species under certain circumstances. Because of horticultural interest in *Pediocactus despainii*, trade permits may be sought, but few permits for plants of wild origin would ever be issued since the species is not common in the wild. Plants of cultivated origin are available and permits may, under certain circumstances, be issued for trade in those.

Section 9(a)(2)(B) of the Act, as amended in 1982, prohibits the removal and reduction to possession of endangered plant species from areas under Federal jurisdiction. This prohibition would apply to *Pediocactus despainii*. Permits for exceptions to this prohibition are available through regulations published September 30, 1985 (50 FR 39681; to be codified at 50 CFR 17.62). *Pediocactus despainii* occurs, in large part, on land managed by the BLM. Few collecting permits for removing the species from the wild for possession will ever be issued, because of its rarity. Requests for copies of the regulations on plants and inquiries regarding them may be addressed to the Federal Wildlife Permit Office, 6th Floor Broyhill, U.S. Fish and Wildlife Service, Washington, DC 20240 (703/235-1903).

On July 29, 1983, *Pediocactus despainii* was included in Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The effect of this inclusion is that both export and import permits are required before international shipment may occur. Such shipment is strictly regulated by CITES member nations to prevent it from being detrimental to the survival of the

species, and cannot be allowed if it is for primarily commercial purposes. If plants are certified as artificially propagated, however, international shipment requires only export documents under CITES, and commercial shipments may be allowed.

If this taxon is listed under the Act, the Service will review it to determine whether it should be placed upon the Annex of the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere, which is implemented through section 8A(e) of the Act, and whether it should be considered for other appropriate international agreements.

Public Comments Solicited

The Service intends that any final rule adopted will be accurate and as effective as possible in the conservation of endangered or threatened species. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning any aspect of this proposed rule are hereby solicited. Comments particularly are sought concerning:

(1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to *Pediocactus despainii*;

(2) The location of any additional populations of *Pediocactus despainii* and the reasons why any habitat should or should not be determined to be critical habitat as provided by section 4 of the Act;

(3) Additional information concerning the range and distribution of this species; and

(4) Current or planned activities in the subject area and their possible impacts on *Pediocactus despainii*.

Final promulgation of the regulation on *Pediocactus despainii* will take into consideration the comments and any additional information received by the Service, and such communications may lead to adoption of a final regulation that differs from this proposal.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be filed within 45 days of the date of the proposal. Such requests must be made in writing and addressed to the Field Supervisor, Salt Lake City Field Office (see ADDRESSES section above).

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined under authority of the National Environmental Policy

Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

Literature Cited

- Benson, L. 1982. The Cacti of the United States and Canada. Stanford University Press, 1044 pp.
- Heil, K. 1984. Status Report on *Pediocactus despainii*. U.S. Fish and Wildlife Service, Denver, Colorado, 14 pp.
- Heil, K., B. Armstrong, and D. Schleser. 1981. A Review of the Genus *Pediocactus*. *Cactus & Succulent Journal* 53:17-39.
- Kinraide, T.B. 1978. The Ecological Distribution of Cholla Cactus (*Opuntia imbricata* (Haw.) DC. in El Paso County,

Colorado. *Southwestern Naturalist* 23(1):117-134.

Welsh, S.L. and S. Goodrich. 1980. Miscellaneous Plant Novelties from Alaska, Nevada, and Utah. *Great Basin Naturalist* 40:78-88.

Author

The primary author of this proposed rule is John Anderson; John L. England acted as editor (see **ADDRESSES** section above).

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Proposed Regulation Promulgation

PART 17—[AMENDED]

Accordingly, it is hereby proposed to

amend Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, as set forth below:

1. The authority citation for Part 17 continues to read as follows:

Authority: Pub. L. 93-205, 87 Stat. 884; Pub. L. 94-359, 90 Stat. 911; Pub. L. 95-632, 92 Stat. 3751; Pub. L. 96-159, 93 Stat. 1225; Pub. L. 97-304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*).

2. It is proposed to amend § 17.12(h) by adding the following, in alphabetical order under the family Cactaceae, to the List of Endangered and Threatened Plants:

§ 17.12 Endangered and threatened plants.

* * * * *

(h) * * *

Species		Historic range		Status	When listed	Critical listed	Special rules
Scientific name	Common name						
Cactaceae—Cactus family							
<i>Pediocactus despainii</i>	San Rafael cactus.	U.S.A. (UT)		E		NA	NA

Dated: March 2, 1986.

P. Daniel Smith,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 86-6701 Filed 3-26-86; 8:45 am]

BILLING CODE 4310-55-M

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Public Notice to Persons Owning Private Land Within the Statutory Boundaries of the Black Hills National Forest

Private landowners are responsible for locating their property lines to avoid encroachment of adjoining National Forest System land. Legal property lines are those that have been surveyed, marked, and posted by the U.S. Government or a certified, licensed surveyor. Disputed property lines will be adjudicated in court.

The construction of a home, garage, fence, or any other structure, or the placement of any personal property on National Forest System land without prior authorization, is a violation of Federal Law and the Secretary of Agriculture's Regulations. Any unauthorized personal property placed on National Forest System land will be removed and may result in the owner being criminally prosecuted, as well as liable for damages.

Dated: March 20, 1986.

James R. Mathers

Forest Supervisor.

[FR Doc. 86-6679 Filed 3-26-86; 8:45 am]

BILLING CODE 3410-90-M

Soil Conservation Service

Environmental Statements; Susanville Ranch, RC&D Project, CA

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a Finding of No Significant Impact.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40

CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Susanville Ranch, RC&D project, Lassen, California.

FOR FURTHER INFORMATION CONTACT:

Wildon Fontenot, Assistant State Conservationist, Soil Conservation Service, 2828 Chiles Road, Davis, CA, 95616, telephone (916) 449-2888.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicated that the project will not cause significant local, regional, or national impacts on the environments. As a result of these findings, Eugene E. Andreuccetti, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for arresting erosion, on a critical erosion area. The planned works of improvement include twelve grade control structures and accelerated technical assistance for land treatment.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contracting Wildon Fontenot.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the Federal Register.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Executive Order 12372 regarding inter-governmental review of Federal and federally assisted programs and projects is applicable)

Eugene E. Andreuccetti,

State Conservationist.

March 14, 1986.

[FR Doc. 86-6732 Filed 3-26-86; 8:45 am]

BILLING CODE 3410-16-M

Federal Register

Vol. 51, No. 59

Thursday, March 27, 1986

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 326]

Resolution and Order Approving the Application of the St. Joseph County Airport Authority for a Foreign-Trade Zone in South Bend, IN

Proceedings of the Foreign-Trade Zones Board, Washington, DC.

Resolution and Order

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board has adopted the following Resolution and Order:

The Board, having considered the matter, hereby orders:

After consideration of the application of the St. Joseph County Airport Authority, filed with the Foreign-Trade Zones Board (the Board) on March 27, 1985, requesting a grant of authority for establishing, operating, and maintaining a general-purpose foreign-trade zone in South Bend, Indiana, adjacent to the Chicago Customs port of entry, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied, and that the proposal is in the public interest, approves the application.

As the proposal involves open space on which buildings may be constructed by parties other than the grantee, this approval includes authority to the grantee to permit the erection of such buildings, pursuant to Section 400.815 of the Board's regulations, as are necessary to carry out the zone proposal, providing that prior to its granting such permission it shall have the concurrences of the local District Director of Customs, the U.S. Army District Engineer, when appropriate, and the Board's Executive Secretary. Further, the grantee shall notify the Board's Executive Secretary for approval prior to the commencement to any manufacturing operation within the zone. The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized to issue a grant of authority and appropriate Board Order.

Grant to Establish, Operate, and Maintain a Foreign-Trade Zone in South Bend, Indiana

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to

expedite and encourage foreign commerce, and for other purposes," as amended (19 U.S.C. 81a-81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States;

Whereas, the St. Joseph County Airport Authority (the Grantee) has made application (filed March 27, 1985, Docket 4-85, 50 FR 13642) in due and proper form to the Board, requesting the establishment, operation, and maintenance of a foreign-trade zone in South Bend, Indiana, adjacent to the Chicago Customs port of entry;

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and

Whereas, the Board has found that the requirements of the Act and the Board's regulations (15 CFR Part 400) are satisfied;

Now, therefore, the Board hereby grants to the Grantee the privilege of establishing, operating, and maintaining a foreign-trade zone, designated on the records of the Board as Zone No. 125 at the location mentioned above and more particularly described on the maps and drawings accompanying the application in Exhibits IX and X, subject to the provisions, conditions, and restrictions of the Act and the regulations issued thereunder, to the same extent as though the same were fully set forth herein, and also to the following express conditions and limitations:

Activation of the foreign-trade zone shall be commenced by the Grantee within a reasonable time from the date of issuance of the grant, and prior thereto the Grantee shall obtain all necessary permits from Federal, State, and municipal authorities.

The Grantee shall allow officers and employees of the United States free and unrestricted access to and throughout the foreign-trade zone site in the performance of their official duties.

The Grantee shall notify the Executive Secretary of the Board for approval prior to the commencement of any manufacturing operations within the zone.

The grant shall not be construed to relieve the Grantee from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said zone, and in no event shall the United States be liable therefor.

The grant is further subject to settlement locally by the District Director of Customs and the Army

District Engineer with the Grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities.

In witness whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer at Washington, D.C., this 11th day of March 1986, pursuant to Order of the Board.

Foreign-Trade Zones Board.
Malcolm Baldrige,
Chairman and Executive Officer.

Attest:
John J. Da Ponte, Jr.,
Executive Secretary.
[FR Doc. 86-6755 Filed 3-26-86; 8:45 am]
BILLING CODE 3510-DS-M

Committee for the Implementation of Textile Agreements

Extending Coverage of Export Visa Requirement To Include Certain Man-Made Fiber Work Gloves Produced or Manufactured in Pakistan

March 21, 1986.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contain in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on April 4, 1986. For further information contact Diana Solkoff, International Trade Specialist (202) 377-4212.

Background

Under the terms of the agreement of March 9, 1982, and March 11, 1982, as amended the Government of Pakistan has agreed to amend the existing export visa requirement to include man-made fiber work gloves in Category 631 pt. (TSUSA numbers 704.3215, 704.8525, 704.8550, and 704.9000), which will be visaed as Category 631-W. This coverage is in addition to the coverage of cotton textiles and cotton textile products described in the CITA directive of March 1, 1976, as amended. The visa stamp is not being changed and the officials authorized to issue visas also remain unchanged at this time.

The expanded visa coverage will be effective on April 4, 1986 for the aforementioned products in Category 631 pt., produced or manufactured in Pakistan and exported on and after April 4, 1986. Merchandise in this category exported before April 4, 1986 will not be denied entry for lack of a visa.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the *Federal Register* on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1986).

Leonard A. Mobley,
Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

March 21, 1986.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive of March 1, 1976, as amended, which established an export visa requirement for certain cotton textiles and cotton textile products, produced or manufactured in Pakistan.

Effective on April 4, 1986 man-made fiber textile products in Category 631 pt. (only T.S.U.S.A. numbers 704.3215, 704.8525, 704.8550 and 704.9000), produced or manufactured in Pakistan and exported on and after April 4, 1986 will be required to be visaed as Category 631-W. Merchandise in Category 631 pt. (only TSUSA numbers 704.3215, 704.8525, 704.8550, and 704.9000), exported before April 4, 1986, shall not be denied entry for lack of a visa.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553.

Sincerely,
Leonard A. Mobley,
Acting Chairman, Committee for the Implementation of Textile Agreements.
[FR Doc. 86-6754 Filed 3-26-86; 8:45 am]
BILLING CODE 3510-DR-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board Task Force on Software; Meetings

ACTION: Notice of advisory committee meetings.

SUMMARY: The Defense Science Board Task Force on Software will meet in open session on 15 April 1986 at the MITRE COMPLEX, Burlington Road, Bedford, Mass.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense. The April meeting will consist of discussion by the Task Force members on various software issues.

Persons interested in attending should contact Major Susan Swift, Task Force Executive Secretary, approximately one week prior to the scheduled meeting times. Space is limited and will be awarded on a first come first served basis. Telephone (202) 695-7181.

Dated: March 21, 1986.

Linda M. Lawson,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 86-6718 Filed 3-26-86; 8:45 am]

BILLING CODE 3810-01-M

Office of Research and Laboratory Management; Meeting Cancellation

AGENCY: Office of Research and Laboratory Management, Defense.

ACTION: Cancellation of Meeting.

SUMMARY: On Tuesday, March 18, 1986, a notice of an open meeting was placed in the *Federal Register* (51 FR 9244). This meeting is hereby cancelled until further notice.

Dated: March 24, 1986.

Linda M. Lawson,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 86-6717 Filed 3-26-86; 8:45 am]

BILLING CODE 3810-01-M

Corps of Engineers, Department of the Army

Environmental Impact Statement, Alma and Bacon Co., GA

To Prepare a Draft Supplement to the Lake Alma Final Environmental Impact Statement For Department of Army Permit Application 074 OYN 006129 which requests authorization pursuant to section 404 of the Clean Water Act to construct 14 Dams and an Emergency Access Road in Alma, Bacon County, Georgia.

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of Intent to prepare a draft Supplemental Environmental Impact Statement (draft SEIS). This draft SEIS will be a supplement to the U.S. Department of Housing and Urban

Development's Final EIS on the Lake Alma Project dated 15 December 1976.

SUMMARY:

1. *Proposed action:* Alma/Bacon County proposes to construct 14 small impoundments to be managed as greentree reservoirs and/or brood production areas and an emergency access road. This work is for mitigation required by Special Conditions placed on their previously issued Department of the Army Permit 074 OYN 003752 which authorizes the discharge of fill material into waters of the United States during construction of a 1,400 acres lake in Alma, Bacon County, Georgia.

2. *Alternatives:* The draft SEIS will address the proposed plan, several other possible modified plans and the no action alternative.

3. Scoping process:

a. The proposed project will be discussed in informal scoping meetings attended by representatives of several Federal, State and local agencies as well as other private organizations and parties.

b. Major issues to be addressed in the draft SEIS include: The impacts of the project on water quality, fish and wildlife and wetlands. Additional issues are expected to be brought out during the scoping meetings to be held.

c. No formal assignments have as yet been planned for input into the draft SEIS by other Federal and State agencies.

d. A minimum of a 45-day review period for the draft SEIS will be allowed for all interested agencies and individuals.

4. *Scoping meeting:* Informal scoping meetings will be held during the month of April, 1986. The exact date and location of the meetings have not yet been determined.

5. *Draft SEIS:* The draft SEIS should be available to the public by August 1986.

ADDRESS: Questions about the proposed action and the draft SEIS can be answered by: Mr. Steven Osvald, Chief, Regulatory Branch, Operations Division, U.S. Army Engineer District, Savannah, Corps of Engineers, Post Office Box 889, Savannah, Georgia 31402-0889, Telephone (912) 944-5347 (commercial) or 1-800-241-3715 (toll free in Georgia).

Dated: March 10, 1986.

Stanley G. Genega,

Colonel, Corps of Engineers Commander.

[FR Doc. 86-6678 Filed 3-26-86; 8:45 am]

BILLING CODE 3710-HP-M

Corps of Engineers, Department of Army

Intent To Prepare a Draft Environmental Impact Statement for the Upper Yazoo Basin Mitigation Plan, MS

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of intent to prepare a draft environmental impact statement (DEIS).

SUMMARY:

1. *Description of Action.* The mitigation plan to be described in the DEIS will be formulated to offset losses to fish and wildlife resources associated with the Upper Yazoo, Ascalmore Creek-Tippo Bayou, Big Sand Creek, Yalobusha River, and Panola-Quitman Floodway Projects in the Yazoo Basin of Mississippi. The selected mitigation plan will include a combination of mitigation measures such as acquisition of flowage easements on agricultural land that will be seasonally flooded for waterfowl in association with project drainage control structures; acquisition of land for stream access sites and boat ramps; improved wildlife management of existing Federal land at various Corps projects in the Yazoo Basin; fee purchase of forest land for terrestrial wildlife management purposes; and purchase of easement on forest land for wildlife preservation purposes.

2. *Reasonable Alternatives.* No-action and several alternative plans comprised of various combinations of mitigation features as generally described in paragraph 1 will be presented.

3. *Description of Scoping Process—*a. *Public involvement.* Coordination of the Upper Yazoo Basin Projects has been maintained with the general public and with interested agencies over the years. The last public meetings were held in the mid-1970's. The mitigation study has been coordinated with the U.S. Fish and Wildlife Service (FWS) and with the Mississippi Department of Wildlife Conservation. More extensive public coordination is planned, including a public meeting and possibly workshops during review of the DEIS.

b. *Issues analyzed in the EIS.* Impacts of the mitigation alternatives on land ownership, land management, recreational use, local tax base, dollar investment, fish and wildlife habitat, terrestrial wildlife, waterfowl resources, and fishery resources will be analyzed in the EIS.

c. *Assignments for input into the EIS.* There are no specific assignments for obtaining input other than having the

Corps of Engineers as lead agency and FWS as cooperating agency.

d. *Environmental review and consultation requirements.* Review by Federal, state, and local agencies and interested groups and individuals will be achieved.

4. *Scoping Meeting Schedule.* No scoping meeting is currently scheduled. Additional coordination with agencies and the public is planned.

5. *Date DEIS Will Be Available to Public.* December 1986.

ADDRESS: Questions about the DEIS can be answered by Mr. Gene Parks, U.S. Army Corps of Engineers, Vicksburg District, Environmental Analysis Branch, Post Office Box 60, Vicksburg, Mississippi 39180-0060. Phone: FTS 542-5438, commercial (601) 634-5438.

Dated: March 18, 1986.

Pat M. Stevens IV,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 86-6733 Filed 3-26-86; 8:45 am]

BILLING CODE 3710-PU-M

DEPARTMENT OF THE ARMY

Corps of Engineers,

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for a Proposed Flood Control Project on Butternut Creek, DeWitt, NY

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of Intent to prepare a Draft Environmental Impact Statement (DEIS).

Proposed Action: The feasibility study for the project is being done under the authority of Section 205 of the 1948 Flood Control Act. The DEIS will accompany the Draft Detailed Project Report (DDPR). The proposed action would provide for construction of levees on both banks of Butternut Creek in the town of DeWitt. The levees would be located between Kinne Road and the DeWitt Railroad Yards. The current proposal calls for 6,670 feet of levee on the left bank with heights ranging from 4 to 9 feet, and 5,050 feet of levee on the right bank with heights ranging from 6 to 9 feet. In addition, the abutments of an abandoned railroad bridge which crosses Butternut Creek in the area of the levees would be removed, and material would be excavated from the area where the right abutment currently stands in order to enlarge the cross sectional area available for flow. The existing channel would be deepened and widened to create a uniform channel with a 50 foot wide bottom and shallow side slopes, for a distance of about 300

feet at the Conrail track embankment located at the north end of the proposed project site. The bottom and sides of the channel would be protected with riprap in two areas: 150 feet upstream and downstream of the Route 290 bridge and 100 feet upstream and downstream of the abandoned railroad bridge. The riprap would be approximately 24 inches in diameter placed on 6 inch diameter bedding stone. Route 290 is lower than the top of the proposal levees where Route 290 crosses Butternut Creek, therefore closure structure would be constructed at Route 290 on the left and right banks of the creek. During non-flooding conditions, the closure structure would allow the normal flow of vehicular traffic on Route 290. When a threat of road overtopping by creek water appears to be inevitable, the structure would be activated, thereby temporarily blocking traffic on Route 290 and providing the same level of protection as the levees do. The proposed plan would provide protection against floods up to a 50-year expected recurrence interval.

Alternatives Considered: Several alternatives were investigated earlier in the study process, including the alternative of taking No action. The No Action alternative implies that the Corps of Engineers would not implement any structural or non-structural measures to reduce flooding damages in the area. This alternative is also used as a basis for the evaluation of the costs and benefits of all action alternatives. Other action alternatives considered were as follows:

- A plan with higher levees that would protect against bigger floods than would the proposed plan. This plan requires the construction of a headwall at the upstream face of the DeWitt Railroad Yards to prevent overtopping of the yard. The plan was rejected because the benefit to cost ratio was less than one, and because the pressure flow under the DeWitt Yards induced by the plan would threaten the structural integrity of the yards.

- A plan to manage the storage available in the Jamesville Reservoir to reduce flooding downstream in the project area. This plan was rejected because control of the reservoir would have little affect on flooding downstream, and would require the loss of recreational opportunities at the reservoir that exist now. Some control of the reservoir is currently being considered to maximize the level of protection of the proposed alternative.

- A plan to increase the area under the DeWitt Yards available for flow. Calculations showed that 12 additional culverts, each 610 feet in length with a

total cross sectional area of 732 square feet would be required to reduce the water surface elevation of the 100-year flood by 2 feet. This plan was rejected because the benefit to cost ratio was less than one.

Public Involvement: No meetings have been held with the public since the current study began. Previous studies and informal discussions with property owners in the area indicate a high degree of interest in reducing flood damage. A public meeting will be held before the DEIS is completed.

The U.S. Fish and Wildlife Service and New York State Department of Environmental Conservation have provided and continue to provide input to the study. Engineers for the town of DeWitt have furnished mapping and estimated damages and high water mark elevations from previous floods.

Issues: The significant issues to be addressed in the DEIS include a determination of the extent to which the proposed plan and any feasible alternative might positively or negatively impact on natural and human environmental parameters such as air quality, water quality, fish and wildlife, noise, aesthetics, community and regional growth and development, health and safety, and cultural resources.

Review and Compliance: The study shall be conducted to comply with the various Federal and State Environmental Statutes and Executive Orders and associated review procedures. When the Detailed Project Report and accompanying DEIS are completed for review, the combined document will be filed with the U.S. Environmental Protection Agency to be revised under the National Environmental Policy Act procedures.

Scoping Meetings: Since Federal, State, and Town interests have been involved during formulation of the proposed project, a public meeting will be held in May 1986 for the purpose of presenting study results to date to the general public.

Availability: The combined document consisting of the Draft Detailed Project Report and Draft Environmental Impact Statement will be made available to the public on or about 1 March 1987.

Address: Questions concerning preparation of the Draft Environmental Impact Statement can be answered by Mr. Leonard F. Bryniarski, U.S. Army Engineer District, Buffalo, 1776 Niagara Street, Buffalo, NY 14207, (716) 876-5454 or FTS 473-2173.

Dated: March 18, 1986.

Daniel R. Clark,

Colonel, Corps of Engineers, District
Commander.

[FR Doc. 86-6673 Filed 3-26-86; 8:45 am]

BILLING CODE 3710-GP-M

DEPARTMENT OF EDUCATION

Office of Educational Research and Improvement

Application Notice for New Awards under the Library Literacy Program for Fiscal Year 1986.

AGENCY: Department of Education.

ACTION: Application notice for New
Awards under the library literacy
program for fiscal year 1986.

Programmatic and Fiscal Information

Applications are invited for new
projects under the Library Literacy
Program for fiscal year (FY) 1986. This
program is authorized under Title VI of
the Library Services and Construction
Act (LSCA), as amended (20 U.S.C. 351
et seq.).

Under title VI of the LSCA, the
Secretary awards grants to State and
local public libraries to support literacy
programs. Grants are awarded to State
public libraries to coordinate and plan
library literacy programs and to arrange
training of librarians and volunteers to
carry out these programs. Grants are
awarded to local public libraries to
promote the use of volunteers in
providing literacy programs, to acquire
materials for literacy programs, and to
use library facilities for these programs.

This is the first year of operation for
the Library Literacy Program. The FY
1986 appropriation after sequestering is
\$4,785,000. The President has proposed
budget rescissions to the Congress that
may eliminate federal funds for this
program. However, applications are
invited to allow for sufficient time to
evaluate applications and complete
processing prior to the end of the fiscal
year in the event that funds are
appropriated for the program. The U.S.
Department of Education is not bound to
a specific number of grants or to the
amount of any grant unless that number
or amount is specified by statute or
regulations. Pursuant to section 601(c) of
the LSCA, no grant under this program
for any fiscal year can exceed \$25,000.

Closing Date for Transmittal of Applications

Applications for new awards must be
mailed or hand-delivered on or before
June 24, 1986.

Applications sent by mail must be
addressed to the U.S. Department of
Education, Attention: (CFDA No. 84.167),
400 Maryland Avenue SW., Washington,
DC 20202.

Each late applicant will be notified
that its application will not be
considered.

Applications that are hand-delivered
must be taken to the U.S. Department of
Education, Application Control Center,
Room 3633, Regional Office Building #3,
7th and D Streets SW., Washington, DC.

The Application Control Center will
accept hand-delivered applications
between 8:00 a.m. and 4:30 p.m.
(Washington, D.C. time) daily, except
Saturdays, Sundays, and Federal
holidays.

Applicable Regulations

Regulations applicable to this program
include the following:

(a) Regulations governing the Library
Literacy Program in 34 CFR Part 769.

(b) The Education Department
General Administrative Regulations
(EDGAR) in 34 CFR Parts 74, 75, 77, 78,
and 79.

Intergovernmental Review

This program is subject to the
requirements of Executive Order 12372
and the regulations in 34 CFR Part 79.
The objective of Executive Order 12372
is to foster an intergovernmental
partnership and a strengthened
federalism by relying on processes
developed by State and local
governments for coordination and
review of proposed Federal financial
assistance.

Immediately upon receipt of this
notice, applicants that are governmental
entities must contact the appropriate
State single point of contact to find out
about, and to comply with, the State's
process under the Executive Order.
Applicants proposing to perform
activities in more than one State should
contact, immediately upon receipt of this
notice, the single point of contact for
each State and follow the procedures
established in those States under the
Executive Order. A list containing the
single point of contact for each State is
included in the application package for
this program.

In States that have not established a
process or chosen this program for
review, State, areawide, regional, and
local entities may submit comments
directly to the Department.

All comments from State single points
of contact and all comments from State,
areawide, regional, and local entities
must be mailed or hand delivered by
August 25, 1986 to the following address:

The Secretary, U.S. Department of
Education, room 4181, (CFDA No.
84.167), 400 Maryland Avenue SW.,
Washington, DC 20202.

PLEASE NOTE THAT THE ABOVE
ADDRESS IS NOT THE SAME
ADDRESS AS THE ONE TO WHICH
THE APPLICANT SUBMITS ITS
COMPLETED APPLICATION. *DO NOT
SEND APPLICATIONS TO THE
ABOVE ADDRESS.*

Application Forms

Application forms and program
information packages are expected to be
available by April 30, 1986. These may
be obtained by writing to the Library
Development Staff, U.S. Department of
Education, 400 Maryland Avenue SW.,
Washington, DC 20202, Attention: LSCA
Title VI.

Further Information

For further information contact Frank
A. Stevens, Acting Director, or Carol
Cameron, Education Program Specialist,
Library Development Staff, Library
Programs, U.S. Department of Education,
400 Maryland Avenue SW., Room 725,
Brown Building, Washington, DC 20202-
1730. Telephone: (202) 254-5090.

Program Authority: 20 U.S.C. 351 *et seq.*

Dated: March 24, 1986.

(Catalog of Federal Domestic Assistance
Number 84.167, Library Literacy Program)

Chester E. Finn, Jr.,

Assistant Secretary for Educational Research
and Improvement.

[FR Doc. 86-6775 Filed 3-26-86; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Nuclear Waste Policy Act of 1982; Amended Schedule of Public Hearings on Crystalline Repository Project Draft Area Recommendation Report

AGENCY: Office of Civilian Radioactive
Waste Management, DOE.

ACTION: Notice of amended schedule of
public hearings on the draft area
recommendation report.

SUMMARY: DOE has scheduled public
hearings to receive oral and written
comments from the public on the draft
area recommendation report (ARR),
issued on January 16, 1986, which
identifies proposed potentially
acceptable sites for further study for
consideration in the siting of a nuclear
waste repository. The original schedule
for the public hearings was announced
in a previous *Federal Register* notice on
March 4, 1986 (51 FR 7486, 3-4-86).
However, as requested by State and

Indian Tribe representatives or in order to ensure adequate facilities for receiving public comments, DOE is amending the previous schedule of public hearings. Those public hearings which have been changed from or added to the original schedule are specifically noted in the following table.

Any person or representative of a group may submit a written request for an opportunity to make an oral presentation at a public hearing. Such requests should be received up to 10 days before the scheduled hearing. Requests should be sent to: Dr. Sally A. Mann, Project Manager, Crystalline Repository Project Office, Chicago Operations Office, U.S. Department of Energy, 9800 South Cass Avenue,

Argonne, Illinois 60439, attention: ARR Hearing Request.

All written requests for opportunities to present comments shall be acknowledged by DOE.

In addition, persons may request an opportunity to make a presentation at a public hearing by calling the Crystalline Repository Project Office at (312) 972-2675. Telephone registrations will be accepted up to 2 days prior to the public hearing and will be scheduled after all mailed requests have been accommodated. All telephone requests will be confirmed prior to the public hearings.

At the hearing, those who have registered in advance will be heard first or at times reserved for them. Anyone

present at the hearing who would like to speak but did not pre-register, may request an opportunity to speak. The moderator at the hearing will determine if such requests can be accommodated within the time period scheduled.

DOE reserves the right to arrange the schedule of presentations to be heard and to establish additional procedures governing the conduct of the hearing. Each person scheduled to appear at a specific hearing is requested to bring a written copy of his or her statement for submission into the hearing record.

Issued in Washington, DC, March 10, 1986.

Dated: March 21, 1986.

Ben C. Rusche,

Director, Office of Civilian Radioactive Waste Management.

AREA RECOMMENDATION REPORT HEARINGS

City and state	Address	Date	Time(s)
White Lake, WI	White Lake High School, County Trunk M, White Lake, WI 54491	3/19/86	5-10 p.m.
Keshena, WI ¹	Menominee Indian Senior High School, Highway 47, P.O. Box 50, Keshena, WI 54135	3/22/86	1-6 p.m.
Morris, MN	Morris High School, 201 Columbia Avenue, Morris, MN 56267	3/24/86	5-10 p.m.
Bedford, VA	Liberty High School, Route 122, Bedford, VA 24523	3/24/86	5-10 p.m.
Loganville, GA	Loganville High School, Georgia Highway 81, Loganville, GA 30249	3/25/86	5-10 p.m.
Portland, ME ¹	City Hall Auditorium, 389 Congress Street, Portland, ME 04101	3/25/86	9 a.m.-12 noon, 2-5 p.m., 7-10 p.m.
Sauk Centre, MN	Sauk Centre Jr. High, 9th & State, Sauk Centre, MN 56378	3/25/86	5-10 p.m.
South Boston, VA	Halifax County Senior High School, Highway 129, South Boston, VA 24592	3/26/86	5-10 p.m.
Thomaston, GA	Thomaston Civic Center, Holston Drive, Thomaston, GA 30287	3/26/86	5-10 p.m.
Mahnomen, MN	Mahnomen High School, Madison Avenue, Mahnomen, MN 56557	3/31/86	5-10 p.m.
Albany, NY	Empire State Plaza, Convention Center, Albany, NY 12242	3/31/86	5-10 p.m.
Indian Island, ME	Community Building, Penobscot Nation, 6 River Road, Indian Island, ME 04468	4/1/86	5-10 p.m.
Warren, MN ¹	Warren High School, Highway #1, 224 East Bridge Street, Warren, MN 56762	4/1/86	5-10 p.m.
Henniker, NH	New England College, Field House, Circle Street, Henniker, NH 03242	4/1/86	5-10 p.m.
Forsyth, GA ¹	Mary Persons High Schl, Montpelier Avenue, Forsyth, GA 31029	4/2/86	5-10 p.m.
Raleigh, NC	Raleigh Civic Center, 500 Fayetteville Street, Raleigh, NC 27601	4/2/86	5-10 p.m.
Ada, MN	Ada High School, 105 Fourth Street E, Ada, MN 56510	4/3/86	5-10 p.m.
Concord, NH	Concord City Auditorium, #1 Prince Street, Concord, NH 03301	4/3/86	5-10 p.m.
Lincoln, ME	Mattawook Academy, 15 Reed Drive, Lincoln, ME 04457	4/4/86	5-10 p.m.
New Brunswick, NJ ¹	Lewis M. Hermann Labor Education Center, Ryders Land and Clifton Avenue, New Brunswick, NJ 08903	4/4/86	9 a.m.-12 noon, 2-4 p.m.
Asheville, NC	Asheville Civic Center, Thomas Wolfe Auditorium, 87 Haywood Street, Asheville, NC 28901	4/4/86	5-10 p.m.
Bridgton, ME ¹	Lake Region High School, Route 302, Bridgton, ME 04009	4/5/86	9 a.m.-12 noon, 2-5 p.m., 7-10 p.m.
Augusta, ME ¹	The Armory, Western Avenue, Augusta, ME 04330	4/7/86	9 a.m.-12 noon, 2-6 p.m.
Foley, MN	Foley Elementary School, Foley, MN 56329	4/7/86	5-10 p.m.
Ashland, VA ¹	Patrick Henry High Schl, Route 59 W, Ashland, VA 23005	4/7/86	5-10 p.m.
Calais, ME ¹	Calais High School, River Road, Calais, ME 04619	4/8/86	5-10 p.m.
Boston, MA	Gardner Auditorium, Beacon & Boudin, State House, Boston, MA 02133	4/8/86	6-11 p.m.
Winthrop, MN ¹	Winthrop High School, Highway 19-4th Street, Winthrop, MN 55396	4/8/86	5-10 p.m.
Waupaca, WI	Waupaca High School, 1149 Shoemaker Road, Waupaca, WI 54981	4/8/86	5-10 p.m.
Ashland, WI ¹	Ashland High School, 1900 Beaver Avenue, Ashland, WI 54801	4/8/86	5-10 p.m.
Ironwood, MI	Ironwood Theater, 109 E. Aurora, Ironwood, MI 49938	4/10/86	5-10 p.m.
Providence, RI	State House, Room 313, Providence, RI 02903	4/10/86	5-10 p.m.
Montpelier, VT	Pavilion Auditorium, 109 State Street, Montpelier, VT 05602	4/10/86	5-10 p.m.
Hartford, CT	Parkview Hilton, 1 Hilton Plaza, Hartford, CT 06103	4/14/86	5-10 p.m.
Conway, NH ¹	Kennett High School, Conway, NH 03818	4/14/86	5-10 p.m.
Annapolis, MD	Holiday Inn, 210 Holiday Ct., Annapolis, MD 21401	4/15/86	5-10 p.m.
St. Paul, MN ¹	Capital Hill Armory, 600 Cedar Street, St. Paul, MN 55101	4/15/86	5-10 p.m.
Springfield, VT ¹	Springfield High School, 303 S. South Street, Springfield, VT 05156	4/15/86	5-10 p.m.

¹ Public hearing changed from or added to the original schedule previously noticed in 51 FR 7486, 3-4-86.

[FR Doc. 86-6722 Filed 3-26-86; 85:45 am]

BILLING CODE 6450-01

ENVIRONMENTAL PROTECTION AGENCY.

[A-9-FRL-2991-8]

Approval of Prevention of Significant Air Quality Deterioration (PSD) Permit to Union Oil Company of California (EPA Project Number SFB 85-03)**AGENCY:** Environmental Protection Agency (EPA), Region 9.**ACTION:** Notice.

SUMMARY: Notice is hereby given that on March 3, 1986 the Environmental Protection Agency issued a PSD permit under EPA's federal regulations 40 CFR § 52.21 to the applicant named above. The PSD permit grants approval to construct a gas turbine cogeneration facility, consisting of three 16.6 megawatt gas turbines, to be located at the Union Oil Refinery in Rodeo, Contra Costa County, California. The permit is subject to certain conditions, including an allowable emission rate as follows: NO_x at 31 lbs/hr per turbine set, 78 lbs/hr total, and 25 ppm at 15% O₂; SO₂ at 12 lbs/hr per turbine set, and 27 lbs/hr total.

FOR FURTHER INFORMATION CONTACT: Copies of the permit are available for public inspection upon request; address request to: Anita Tenley (A-3-1), U.S. Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105, (415) 974-8240, FTS 454-8240.

SUPPLEMENTARY INFORMATION: Best Available Control Technology (BACT) requirements include the use of steam injection and Selective Catalytic Reduction (SCR) for NO_x, and the use of refinery fuel gas with a maximum sulfur content of 230 ppmv of total sulfur for SO₂.

DATE: The PSD permit is reviewable under section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed by May 27, 1986.

Dated: March 14, 1986.

David P. Howekamp,
Director, Air Management Division.
[FR Doc. 86-6648 Filed 3-26-86; 8:45 am]
BILLING CODE 6560-50-M

[PF-445; FRL-2993-7]

Pesticide Tolerance Petitions; ICI Americas, Inc.**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

SUMMARY: EPA has received pesticide and feed additive petitions relating to the amendment of tolerances for the combined residues of the insecticide pirimiphos-methyl in or on certain commodities.

ADDRESS: By mail, submit comments identified by the document control number [PF-445] and the petition number, attention Product Manager (PM-12), at the following address: Information Services Section (TS-757C), Program Management and Support Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. In person, bring comments to: Information Services Section (TS-757C), Environmental Protection Agency, Room 236, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments filed in response to this notice will be available for public inspection in the Information Services Section office at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT:

By mail: Jay Ellenberger, (PM-12), Registration Division (TS-767C), Environmental Protection Agency, Office of Pesticide Programs, 401 M Street SW., Washington, DC 20460. Office location and telephone number: Room 202, CM#2, 1921 Jefferson Davis Highway, Arlington VA (703-557-2386).

SUPPLEMENTARY INFORMATION: EPA has received pesticide (PP) and feed additive petitions (FAP), from ICI Americas Inc., Agricultural Chemicals Division, Wilmington DE 19897, relating to the amendment of tolerances for the combined residues of the insecticide pirimiphos-methyl, *o*-[2-(diethylamino)-6-methyl-4-pyrimidinyl] *o*,*o*-dimethyl phosphorothioate, the metabolite *o*-(2-ethylamino-6-methyl-pyrimidin-4-yl) *o*,*o*-dimethyl phosphorothioate, and, in free and conjugated form, the metabolites 2-diethylamino-6-methyl-pyrimidin-4-ol, 2-ethylamino-6-methyl-pyrimidin-4-ol, and

2-amino-6-methyl-pyrimidin-4-ol in or on certain agricultural commodities.

Amended Petitions

1. **PP 3F2897.** EPA issued a notice, published in the *Federal Register* of June 22, 1983 (48 FR 28548), which announced that ICI Americas Inc., had submitted PP 3F2897 to the Agency proposing to amend 40 CFR Part 180 by establishing tolerances for the combined residues of the insecticide pirimiphos-methyl in or on the raw agricultural commodities corn, grain sorghum and wheat at 10.0 parts per million (ppm), and rice at 15.0 ppm.

ICI Americas has amended the petition by including the following commodities:

Commodities	PPM
Eggs	0.5
Kidney and liver of cattle, goats, hogs, horses and sheep	2.0
Meat, fat, and meat byproducts (mbyp) of cattle, goats, hogs, horses and sheep (except liver and kidney)	0.2
Meat and mbyp of poultry	2.0
Poultry fat	0.2
Milk fat (reflecting 0.1 ppm in whole milk)	3.0

The proposed analytical method for determining residues is gas chromatography/mass spectrometry.

2. **FAP 3H5399.** EPA issued a notice, published in the *Federal Register* of August 1, 1984 (49 FR 30781), which announced that ICI Americas, Inc., had submitted FAP 3H5399 to the Agency proposing to amend 21 CFR Part 561 by establishing a regulation permitting residues of the insecticide pirimiphos-methyl in or on certain commodities.

ICI Americas has amended FAP 3H5399 by adding the commodities corn milling fractions (except flour) at 50 ppm, corn oil at 110 ppm, and wheat milling fractions (except flour) at 50 ppm.

Authority: 21 U.S.C. 346a and 348.

Dated: March 20, 1986.

Douglas D. Campt,
Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 86-6741 Filed 3-26-86; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL MARITIME COMMISSION**Ocean Freight Forwarder License Applicants; Parker & Co. U.S. Brokers et al.**

Notice is hereby given that the following persons have filed applications for licenses as ocean freight

forwarders with the Federal Maritime Commission pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718) and 46 CFR 510.

Persons knowing of any reason why any of the following persons should not receive a license are requested to contact the Office of Freight Forwarders, Federal Maritime Commission, Washington, D.C. 20573.

Frank Parker, Jr., dba Parker & Company
U.S. Customs Brokers, 1004 E. Fronton,
Brownsville, TX 78520

United Trading & Shipping, Inc., 5881
Leesburg Pike, Suite 302, Falls Church,
VA 22041. Officers: Dr. Omar I.
Fathaly, President; Ahmad T.
Solaiman, Vice President/Managing
Director; Daad M. Solaiman,
Secretary; Dr. Juaina S. Al Essa,
Treasurer

Ahmed S. Abu Lebda, 480 187th Street,
#1K, New York, NY 10033

Carnell Corp., 8233 N.W. 66th Street,
Miami FL 33166. Officers: Ana
Ordonez, President; Jorge Lara,
Treasurer

Commonwealth Shipping Ltd., 12 East
86th Street, New York, NY 10028.
Officers: Peter S. Shaerf, President/
Director; Jill C. Shaerf, Director; Larry
W. DeNeven, Director; Kirsten
Solvig, Secretary.

Dated: March 24, 1986.

By the Federal Maritime Commission.

John Robert Ewers,
Secretary.

[FR Doc. 86-6736 Filed 3-26-86; 8:45 am]
BILLING CODE 6730-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 84G-0432]

CPC International, Inc., Filing of Petition for Affirmation of GRAS Status

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a petition (GRASP 4G0293) has been filed on behalf of CPC International, Inc., proposing that *alpha*-amylase enzyme preparation prepared from *Bacillus subtilis* (ATCC 39,705) is generally recognized as safe (GRAS) as a direct human food ingredient. *Bacillus subtilis* (ATCC 39,705) contains the gene for *alpha*-amylase from *Bacillus stearothermophilus*, which was inserted by recombinant DNA techniques.
DATE: Comments by May 27, 1986.

ADDRESS: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Susan Thompson, Center for Food Safety and Applied Nutrition (HFF-334), Food and Drug Administration, 200 C Street SW., Washington, DC 20204, 202-426-9463.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))) and the regulations for affirmation of GRAS status in § 170.35 (21 CFR 170.35), notice is given that a petition (GRASP 4G0293) has been filed on behalf of CPC International, Inc., International Plaza, Englewood Cliffs, NJ 07632. This petition proposes to affirm that *alpha*-amylase enzyme preparation prepared from *Bacillus subtilis* (ATCC 39,705) used in the production of nutritive saccharides from starch is generally recognized as safe (GRAS) as a direct human food ingredient. *Bacillus subtilis* (ATCC 39,705) contains the gene for *alpha*-amylase from *Bacillus stearothermophilus*, which was inserted by recombinant DNA techniques.

The petition has been placed on display at the Dockets Management Branch (address above).

Any petition that meets the format requirements outlined in § 170.35 is filed by the agency. There is no pre-filing review of the adequacy of data to support a GRAS conclusion. Thus, the filing of a petition for GRAS affirmation should not be interpreted as a preliminary indication of suitability for GRAS affirmation.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the Federal Register in accordance with 21 CFR 25.40(c), as published in the Federal Register of April 26, 1985 (50 FR 16636).

Interested persons may, on or before May 27, 1986, review the petition and/or file comments (two copies, identified with the docket number found brackets in the heading of this document) with the Dockets Management Branch (address above). Comments should include any available information that would be helpful in determining whether the substance is, or is not, GRAS. A copy of the petition and received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 18, 1986.

Richard J. Ronk,
Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 86-6696 Filed 3-26-86; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 84F-0048]

The Dow Chemical Co.; Withdrawal of Food Additive Petition

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the withdrawal without prejudice of a petition (FAP 4A3768) proposing that the food additive regulations be amended to provide for the safe use of hydroxypropyl methylcellulose in food with the hydroxypropoxy and methoxy substitution ranges expanded from the ranges currently permitted.

FOR FURTHER INFORMATION CONTACT: Mary C. Custer, Center for Food Safety and Applied Nutrition (HFF-334), Food and Drug Administration, 200 C Street, SW., Washington, DC 20204, 202-426-9463.

SUPPLEMENTARY INFORMATION: In the Federal Register of March 20, 1984 (49 FR 10364), FDA published a notice that it had filed a petition (FAP 4A3768) from The Dow Chemical Co., Midland, MI 48640, that proposed to amend the food additive regulations to provide for the safe use of hydroxypropyl methylcellulose in food with the hydroxypropoxy substitution ranges expanded from the ranges currently permitted. The Dow Chemical Co. has now withdrawn the petition without prejudice to a future filing (21 CFR 171.7).

Dated: March 18, 1986.

Richard J. Ronk,
Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 86-6698 Filed 3-26-86; 8:46 am]

BILLING CODE 4160-01-M

[Docket No. 86F-0085]

GAF Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that GAF Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of *N*-methylpyrrolidone as a

solvent for slimicides intended for use in the manufacture of paper and paperboard that contact food.

FOR FURTHER INFORMATION CONTACT:

Julius Smith, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C Street SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (section 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 5B3896) has been filed by GAF Corp., 1361 Alps Rd., Wayne, NJ 07470, proposing that § 176.300 *Slimicides* (21 CFR 176.300) be amended to provide for the safe use of *N*-methylpyrrolidone as a solvent for slimicides intended for use in the manufacture of paper and paperboard that contact food.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c), as published in the **Federal Register** of April 26, 1985 (50 FR 16636).

Dated: March 18, 1986.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 86-6699 Filed 3-26-86; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 86F-0074]

Schenectady Chemicals, Inc.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Schenectady Chemicals, Inc., has filed a petition proposing that the food additive regulations be amended to increase the maximum permitted level of use of 2,2'-ethylidenebis(4,6-di-*tert*-butylphenol) as an antioxidant and/or stabilizer and to delete the limitation on its conditions of use currently applicable with rubber-modified polystyrene intended for use in contact with food.

FOR FURTHER INFORMATION CONTACT:

Rudolph Harris, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C Street

SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1785 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 6B3909) has been filed on behalf of Schenectady Chemicals, Inc., c/o 1150 17th St. NW., Washington, DC 20036, proposing that the food additive regulations be amended to increase the maximum permitted level of use of 2,2'-ethylidenebis(4,6-di-*tert*-butylphenol) as an antioxidant and/or stabilizer and to delete the limitation on its conditions of use currently applicable with rubber-modified polystyrene intended for use in contact with food.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c), as published in the **Federal Register** of April 26, 1985 (50 FR 16636).

Dated: March 18, 1986.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 86-6698 Filed 3-26-86; 8:45 am]

BILLING CODE 4160-01-M

National Institutes of Health

National Institute of Dental Research; Board of Scientific Counselors, Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Dental Research (NIDR), on May 5-6, 1986, in Conference Room 117, Building 30, National Institutes of Health, Bethesda, Maryland. The meeting will be open to the public from 9:00 a.m. to 2:00 p.m. on May 5. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 2:00 p.m. to recess on May 5 and from 9:00 a.m. to adjournment on May 6 for the review, discussion, and evaluation of individual programs and projects conducted by the NIDR, including consideration of personnel qualifications and performance, and the

competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Abner Notkins, Director of Intramural Research, NIDR, NIH, Building 30, Room 132, Bethesda, MD 20892 (telephone 301-496-1483) will provide summary of the meeting, roster of committee members and substantive program information.

Dated: March 20, 1986

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 86-6709 Filed 3-26-86; 8:45 am]

BILLING CODE 4140-01-M

National Institute of Neurological and Communicative Disorders and Stroke; Meeting

Pursuant to the Pub. L. 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Neurological and Communicative Disorders and Stroke, National Institutes of Health, May 14-16, Conference Room 5C101, Building 10, Bethesda, Maryland.

This meeting will be open to the public from 9:00 a.m.—5:00 p.m. on May 15 to discuss program planning and program accomplishments. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 8:00 p.m. until 10:00 p.m. on May 14 and from 9:00 a.m. to adjournment on May 16 for the review, discussion and evaluation of individual programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performances, the competence of individual investigators and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Freedom of Information Coordinator, Mr. Edward M. Donohue, Federal Building, Rm. 1004, 7550 Wisconsin Avenue, Bethesda, MD 20892, telephone (301) 496-9231, will furnish summaries of the meeting and a roster of committee members upon request.

The Executive Secretary from whom substantive program information may be obtained is Dr. Irwin J. Kopin, Director, Intramural Research Program, NINCDS.

Building 10, Room 5N214, Bethesda, MD 20892, telephone (301)496-4297.

(Catalog of Federal Domestic Assistance Program, No. 13.853, Clinical Basis Research; No. 13.854, Biological Research)

Date: March 20, 1986.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 86-6710 Filed 3-26-86; 8:45 am]

BILLING CODE 4140-01-M

National Cancer Institute; Biometry and Epidemiology Contracts Review Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Biometry and Epidemiology Contracts Review Committee, National Cancer Institute, National Institutes of Health, April 24-25, Building 31C, Conference Room 7, 9000 Rockville Pike, Bethesda, Maryland 20892. This meeting will be open to the public on April 24, from 8:30 a.m. to 9:00 a.m. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on April 24 from 9:00 a.m. to recess and April 25 from 8:30 a.m. to adjournment for the review, discussion and evaluation of individual contract proposals. These proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the proposals, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20892 (301/496-5708) will provide summaries of the meeting and a roster of committee members, upon request.

Dr. Harvey P. Stein, Executive Secretary, Biometry and Epidemiology Contracts Review Committee, National Cancer Institute, Westwood Building, Room 804, National Institutes of Health, Bethesda, Maryland 20892 (301/496-7030) will provide program information.

Date: March 19, 1986.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 86-6707 Filed 3-26-86; 8:45 am]

BILLING CODE 4140-01-M

National Heart, Lung, and Blood Institute; Meetings of the National Heart, Lung, and Blood Advisory Council and Its Research Subcommittee and Manpower Subcommittee

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Heart, Lung, and Blood Advisory Council, National Heart, Lung, and Blood Institute, May 22-23, 1986, National Institutes of Health, 9000 Rockville Pike, Building 31, Conference Room 10, Bethesda, Maryland 20892. In addition, the Research Subcommittee and the Manpower Subcommittee of the above Council will meet on May 21, 1986, at 1:00 p.m. and 8:00 p.m. respectively, in Building 31, Conference Rooms 9 and 10.

The Council meeting will be open to the public on May 22 from 9:00 a.m. to approximately 3:30 p.m. for discussion of program policies and issues. Attendance by the public is limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and section 10(d) of Pub. L. 92-463, the Council meeting will be closed to the public from approximately 3:30 p.m. on May 22 to adjournment on May 23 for the review, discussion, and evaluation of individual grant applications. The meetings of the Research Subcommittee and the Manpower Subcommittee of the above Council on May 21 will be closed from 1:00 p.m. and 8:00 p.m., respectively, to adjournment for the review, discussion, and evaluation of individual grant applications.

These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Terry Bellicha, Chief, Public Inquiries Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20892, phone (301) 496-4236, will provide a summary of the meeting and a roster of the Council members.

Dr. Samuel H. Joseloff, Executive Secretary of the Council, Westwood Building, Room 7A-15, National Institutes of Health, Bethesda, Maryland 20892, phone (301) 496-7548, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, Heart and Vascular Diseases Research; 13.838, Lung Diseases

Research; and 13.839, Blood Diseases and Resources Research, National Institutes of Health.)

Date: March 19, 1986.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 86-6708 Filed 3-26-86; 8:45 am]

BILLING CODE 4140-01-M

National Institute of Environmental Health Sciences; Environmental Health Sciences Review Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Environmental Health Sciences Review Committee on April 7-8, 1986, in Building 101 Conference Room, South Campus, NIEHS, Research Triangle Park, North Carolina. This meeting will be open to the public from 9:00 a.m. to approximately 10:30 on April 7 for general discussion. Attendance by the public is limited to space available.

In accordance with provisions set forth in section 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 10:30 a.m. on April 7 to adjournment on April 8, for the review, discussion and evaluation of individual grant applications and contract proposals. These applications and proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications and proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Drs. John Braun or Carol Shreffler, Executive Secretaries, Environmental Health Sciences Review Committee, National Institute of Environmental Health Sciences, National Institutes of Health, P.O. Box 12233, Research Triangle Park, North Carolina 27709, (telephone 919-541-7826), will provide summaries of meeting and rosters of committee members.

(Catalog of Federal Domestic Assistance Program Nos. 13.112, Characterization of Environmental Health Hazards; 13.113, Biological Response to Environmental Health Hazards; 13.114, Applied Toxicological Research and Testing; 13.115, Biometry and Risk Estimation; 13.894, Resource and Manpower Development, National Institutes of Health)

Date: March 19, 1986.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 86-6706 Filed 3-26-86; 8:45 am]

BILLING CODE 4101-01-M

Public Health Service

National Toxicology Program;
Chemicals Nominated for
Toxicological Studies; Request for
Comments

SUMMARY: On January 8, 1986, the Chemical Evaluation Committee (CEC) of the National Toxicology Program (NTP) met to review eleven chemicals nominated for toxicology studies and to recommend the types of studies to be performed. With this notice, the NTP solicits public comment on the eleven chemicals listed herein.

FOR FURTHER INFORMATION AND

SUBMISSION OF COMMENTS, CONTACT: Dr. Victor A. Fung, Chemical Selection Coordinator, National Toxicology Program, Room 2B55, Building 31, National Institutes of Health, Bethesda, Maryland 20892, (301) 496-3511.

SUPPLEMENTARY INFORMATION: As part of the chemical selection process of the National Toxicology Program, nominated chemicals which have been reviewed by the NTP Chemical Evaluation Committee (CEC) are published with request for comment in the Federal Register. This is done to encourage active participation in the NTP chemical evaluation process, thereby helping the NTP to make more informed decisions as to whether to select, defer or reject chemicals for toxicology study. Comments and data submitted in response to this request are reviewed and summarized by NTP technical staff, are forwarded to the NTP Board of Scientific Counselors for use in their evaluation of the nominated chemicals, and then the NTP Executive Committee for its decision-making about testing.

The NTP chemical selection process is summarized in the Federal Register, April 14, 1981 (46 FR 21828), and also in the NTP FY 1985 Annual Plan, pages 201-202.

On January 8, 1986, the CEC evaluated 11 chemicals nominated to the NTP for toxicological studies. The table below lists each chemical, its Chemical Abstracts Service (CAS) registry number, and the types of studies recommended by the CEC.

Chemical	Cas No.	Committee Recommendation
1. n-Butane	106-97-8	—Prechronic studies, including subchronic study. — <i>Drosophila</i> sex-linked recessive lethal assay.
2. Isopentane	78-78-4	—Prechronic studies, including subchronic study, and study of neuropathologic effects.

Chemical	Cas No.	Committee Recommendation
3. 2-Chloronitrobenzene	86-73-3	— <i>Drosophila</i> sex-linked recessive lethal assay. —Prechronic studies—subchronic studies to include testing for hematopoietic and cardiac effects, and sperm morphology/vaginal cytology evaluation.
4. 4-Chloronitrobenzene	100-00-5	—Other reproductive studies judged appropriate by NTP staff.
5. Furan	110-00-9	No study.
6. Furfuryl alcohol	98-00-0	Carcinogenicity study by inhalation route.
7. Bromochloroacetonitrile	83463-62-1	No study.
8. Dibromoacetonitrile	3252-43-5	Do.
9. Dichloroacetonitrile	3018-12-0	Do.
10. Catechol	120-80-9	Do.
11. Penlamidine isethionate	140-64-7	Do.

Eight of the eleven compounds have been previously selected for some type of toxicology study by the NTP. In two independent studies, 2-chloronitrobenzene (2-CNB) was positive in the *Salmonella* microsomal assay. 2-CNB was nonmutagenic for sex-linked recessive lethal mutations in *Drosophila* in two independent studies. 2-CNB yielded equivocal results for chromosomal aberrations and weakly positive results for sister chromatid exchanges in Chinese hamster ovary cells.

4-Chloronitrobenzene (4-CNB) was mutagenic in the *Salmonella* assay in two independent studies. 4-CNB was nonmutagenic for sex-linked recessive lethal mutations in *Drosophila*. The Chemical gave equivocal results for chromosomal aberrations and positive results for sister chromatid exchanges in Chinese hamster ovary cells.

Furan was nonmutagenic in the *Salmonella* assay. The chemical is being tested in the mouse lymphoma assay, in *Drosophila* for sex-linked recessive lethal mutations, and in Chinese hamster ovary cells for chromosomal aberrations and sister chromatid exchanges. Furan is also being tested in a gavage carcinogenicity bioassay in rats and mice, and this study is in the histopathology phase. A chemical disposition study of furan has been completed.

Furfuryl alcohol was nonmutagenic in the *Salmonella* assay. In a subchronic gavage study in Fisher 344 rats and B6C3F1 mice, furfuryl alcohol induced lesions in the liver and kidneys of male and female rats, and lesions in the thymus, spleen, kidneys and liver of male and female mice.

Bromochloroacetonitrile was selected for testing in the *Salmonella* assay.

However, this testing has been deferred because a commercial source for the chemical could not be identified.

Dibromoacetonitrile was weakly mutagenic in the *Salmonella* assay in two independent studies. Dibromoacetonitrile did not induce sex-linked recessive lethal mutations in *Drosophila*.

Dichloroacetonitrile was mutagenic in the *Salmonella* assay in two independent studies. This chemical induced sex-linked recessive lethal mutations but not reciprocal translocations in *Drosophila*. It induced sister chromatid exchanges but not chromosomal aberrations in Chinese hamster ovary cells.

In two independent studies, catechol was nonmutagenic in the *Salmonella* assay. The NTP has conducted 90-day gavage studies on catechol in F344 rats and B6C3F1 mice.

The CEC also selected methylene blue for testing in the mouse lymphoma assay.

Interested parties are requested to submit pertinent information. The following types of data are of particular relevance:

- (1) Modes of production, present production levels, and occupational exposure potential.
- (2) Uses and resulting exposure levels, where known.
- (3) Completed, ongoing and/or planned toxicologic testing in the private sector including detailed experimental protocols and results in the case of completed studies.
- (4) Results of toxicological studies of structurally related compounds.

Please submit all information in writing by April 28, 1986. Any submissions received after the above date will be accepted and utilized where possible.

Dated: March 19, 1986.
David P. Rall, M.D., Ph.D.,
Director, National Toxicology Program.
[FR Doc. 86-6711 Filed 3-26-86; 8:45 am]
BILLING CODE 4140-01-M

National Toxicology Program;
Availability of Technical Report on
Toxicology and Carcinogenesis
Studies of C.I. Basic Red 9
Monohydrochloride

The HHS National Toxicology Program today announces the availability of the Technical Report describing toxicology and carcinogenesis studies of C.I. Basic Red 9 monohydrochloride (pararosaniline), a triphenylmethane dye used for coloring

textiles, leather, and paper and as a biologic stain.

Toxicology and carcinogenesis studies were conducted by administering the chemical in feed to groups of 50 male and 50 female F344/N rats and B6C3F₁ mice for 103 weeks at concentrations 0, 1,000 or 2,000 ppm for male rats and 0, 500 to 1,000 ppm for female rats and mice of each sex.

Under the conditions of these 2-year feed studies, there was clear evidence of carcinogenicity¹ of C.I. Basic Red 9 monohydrochloride for male and female F344/N rats and for male and female B6C3F₁ mice. In male rats, C.I. Basic Red 9 monohydrochloride is caused squamous cell carcinomas, trichioepitheliomas and sebaceous adenomas of the skin, subcutaneous fibromas, thyroid gland follicular cell adenomas and follicular cell carcinomas. Zymbal gland carcinomas, and hepatocellular carcinomas. In female rats, C.I. Basic Red 9 monohydrochloride caused subcutaneous fibromas, thyroid gland follicular cell adenomas or carcinomas (combined), and Zymbal gland carcinomas. In male mice, C.I. Basic Red 9 monohydrochloride caused hepatocellular carcinomas. In female mice, C.I. Basic Red 9 monohydrochloride caused hepatocellular carcinomas and adrenal gland pheochromocytomas or malignant pheochromocytomas (combined). Exposure to C.I. Basic Red 9 monohydrochloride also may have been related to increased incidences of mammary gland tumor in female rats and hematopoietic system tumors in female mice.

Copies of *Toxicology and Carcinogenesis Studies of C.I. Basic Red 9 Monohydrochloride in F344/N Rats and B6C3F₁ Mice (Feed Studies)* (T.R. 285) are available without charge from the NTP Public Information Office, MD B2-04, P.O. Box 12233, Research Triangle Park, NC 27709. Telephone (919) 541-3991, FTS: 629-3991.

Dated: March 19, 1986.
David P. Rall, M.D., Ph.D.,
Director, National Toxicology Program.
[FR Doc. 86-6712 Filed 3-26-86; 8:45 am]

BILLING CODE 4140-01-M

National Toxicology Program; Availability of Technical Report on Toxicology and Carcinogenesis Studies of Dichloromethane

The HHS' National Toxicology Program today announces the availability of the Technical Report describing toxicology and carcinogenesis studies of Dichloromethane (Methylene Chloride), which is widely used in industrial processes, food preparation, and agriculture.

Toxicology and carcinogenesis studies of dichloromethane were conducted by inhalation exposure of groups of 50 male and 50 female F344/N rats and B6C3F₁ mice 6 hours per day, 5 days per week, for 102 weeks. The exposure concentrations used (0, 1,000, 2,000 or 4,000 ppm for rats and 0, 2,000, or 4,000 ppm for mice) were selected on the basis of results from 13-week inhalation studies in which groups of 10 rats and 10 mice of each sex were exposed to dichloromethane at concentrations of 525-8,400 ppm 6 hours per day, 5 days per week.

Under the conditions of these inhalation studies, there was some evidence of carcinogenicity¹ of dichloromethane for male F344/N rats as shown by an increased incidence of benign neoplasms of the mammary gland. There was clear evidence of carcinogenicity of dichloromethane for female F344/N rats as shown by increased incidences of benign neoplasms of the mammary gland. There was clear evidence of carcinogenicity of dichloromethane for male and female B6C3F₁ mice, as shown by increased incidences of alveolar/bronchiolar neoplasms and of hepatocellular neoplasms.

Copies of *Toxicology and Carcinogenesis Studies of Dichloromethane (Methylene Chloride) in F344/N Rats and B6C3F₁ Mice (Inhalation Studies)* (TR 306) are available without charge from the NTP Public Information Office, MD B2-04, P.O. Box 12233, Research Triangle Park, NC 27709. Telephone (919) 541-3991, FTS: 629-3991.

¹ The NTP uses five categories of evidence of carcinogenicity to summarize the strength of the evidence observed in each animal study: two categories for positive results ("clear evidence" and "some evidence"), one category for uncertain findings ("equivocal evidence"), one category for no observable effect ("no evidence"), and one category for studies that cannot be evaluated because of major flaws ("inadequate study").

Dated: March 19, 1986.

David P. Rall, M.D., Ph.D.,
Director, National Toxicology Program.
[FR Doc. 86-6713 Filed 3-26-86; 8:45 am]

BILLING CODE 4140-01-M

National Toxicology Program; Availability of Technical Report on Toxicology and Carcinogenesis Studies of Dimethyl Morpholinophosphoramidate

The HHS' National Toxicology Program today announces the availability of the Technical Report describing toxicology and carcinogenesis studies of Dimethyl Morpholinophosphoramidate (DMMPA), an organophosphate developed for use as a simulant for the physical (but not the biologic) properties of nerve agents in chemical defense training.

In the 2-year toxicology and carcinogenesis studies, groups of 50 male and 50 female F344/N rats were given DMMPA in corn oil by gavage at doses of 0, 150, 300, or 600 mg/kg body weight, 5 days per week for 103 weeks. Groups of 50 male B6C3F₁ mice were given DMMPA at 0, 150, or 300 mg/kg body weight, and groups of 50 female B6C3F₁ mice were given DMMPA at 0, 300, or 600 mg/kg body weight on the same schedule.

Under the conditions of these 2-year gavage studies, there was some evidence of carcinogenicity¹ for male and female F344/N rats given dimethyl morpholinophosphoramidate, as indicated by increased incidences of mononuclear cell leukemia. There was no evidence of carcinogenicity for male and female B6C3F₁ mice given dimethyl morpholinophosphoramidate at doses of 150 (male), 300, or 600 (female) mg/kg for 2 years.

Copies of *Toxicity and Carcinogenesis Studies of Dimethyl Morpholinophosphoramidate in F344/N Rats and B6C3F₁ Mice (Gavage Studies)* (T.R. 298) are available without charge from the NTP Public Information Office, MD B2-04, P.O. Box 12233, Research Triangle Park, NC 27709. Telephone (919) 541-3991, FTS: 629-3991.

¹ The NTP uses five categories of evidence of carcinogenicity to summarize the strength of the evidence observed in each animal study: two categories for positive results ("clear evidence" and "some evidence"), one category for uncertain findings ("equivocal evidence"), one category for no observable effect ("no evidence"), and one category for studies that cannot be evaluated because of major flaws ("inadequate study").

Dated: March 19, 1986.

David P. Rall, M.D., Ph.D.,

Director, National Toxicology Program.

[FR Doc. 86-6714 Filed 3-26-86; 8:45 am]

BILLING CODE 4140-01-M

**National Toxicology Program;
Availability of Technical Report on
Toxicology and Carcinogenesis
Studies of HC Red No. 3**

The HHS' National Toxicology Program today announces the availability of the Technical Report describing toxicology and carcinogenesis studies of HC Red No. 3, a nitrophenylenediamine derivative used exclusively as a semipermanent hair dye.

Toxicology and carcinogenesis studies of HC Red No. 3 were conducted by administering the chemical in corn oil by gavage for 105 weeks to groups of 50 male and 50 female F344/N rats and for 104 weeks to groups of 50 male and 50 female B6C3F₁ mice. The dosage regimen used for rats was 0, 250, or 500 mg/kg per day and for mice, 0, 125, or 250 mg/kg per day. Doses were administered 5 days per week.

Under the conditions of these 2-year gavage studies of HC Red No. 3, there was no evidence of carcinogenicity¹ for male or female F344/N rats given 250 or 500 mg/kg per day. There was equivocal evidence of carcinogenicity for male B6C3F₁ mice as indicated by an increased incidence of hepatocellular adenomas or carcinomas (combined) in the 250 mg/kg group. Poor survival coupled with lack of significant findings rendered the study in female B6C3F₁ mice an inadequate study of carcinogenicity. Both sexes of both species may have been able to tolerate higher doses of HC Red No. 3. Therefore, the sensitivity of these studies for detecting carcinogenesis may have been limited.

Copies of *Toxicology and Carcinogenesis Studies of HC Red No. 3 in B6C3F₁ Mice (Gavage Studies)* (T.R. 281) are available without charge from the NTP Public Information Office, MD B2-04, P.O. Box 12233, Research

¹ The NTP uses five categories of evidence of carcinogenicity to summarize the strength of the evidence observed in each animal study: two categories for positive results ("clear evidence" and "some evidence"); one category for uncertain findings ("equivocal evidence"); one category for no observable effect ("no evidence"); and one category for studies that cannot be evaluated because of major flaws ("inadequate study").

Triangle Park, NC 27709. Telephone (919) 541-3991. FTS: 629-3991.

Dated: March 19, 1986.

David P. Rall, M.D., Ph.D.,

Director, National Toxicology Program.

[FR Doc. 86-6715 Filed 3-26-86; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[N-40976]

Nevada; Airport Lease Application

Notice is hereby given that pursuant to the Act of May 24, 1926 (49 U.S.C. 211-214), the County of Nye has applied for an airport lease for the following land:

Mount Diablo Meridian

T.21S., R.53E., M.D.M.,

Sec. 3, lots 2, 3, 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$,

SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 4, all;

Sec. 9, all;

Sec. 10, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$.

The area described comprises 2,209.41 acres and is located in Nye County, Nevada.

The application was filed on October 10, 1984, and on that date the land was segregated from all other forms of appropriation under the public land laws.

For a period of 45 days from the date of this notice, interested persons may submit comments to the District Manager, Bureau of Land Management, Las Vegas District Office, P.O. Box 26569, Las Vegas, Nevada 89126.

Ben F. Collins,

District Manager.

[FR Doc. 86-6725 Filed 3-26-86; 8:45 am]

BILLING CODE 4310-HC-M

[OR-33316]

**Conveyance of Public Land; Order
Providing for Opening of Lands;
Oregon**

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This action informs the public of the conveyance of 1,907.93 acres of public land out of Federal ownership. This action will also open 1,435.66 acres of reconveyed lands to surface entry, mining and mineral leasing.

FOR FURTHER INFORMATION CONTACT: Champ Vaughan, BLM Oregon State Office, P.O. Box 2965, Portland, Oregon 97208, (Telephone 503-231-6905).

SUPPLEMENTARY INFORMATION: 1. Notice is hereby given that in an exchange of lands made pursuant to section 206 of the Act of October 21, 1976, 90 Stat. 2756, 43 U.S.C. 1716, a patent has been issued transferring 1,907.93 acres of lands in Harney County, Oregon, from Federal to private ownership.

2. In the exchange, the following described lands have been reconveyed to the United States:

Willamette Meridian

T. 24 S., R. 35 E.,

Sec. 5;

Sec. 19, W $\frac{1}{2}$ E $\frac{1}{2}$ and E $\frac{1}{2}$ W $\frac{1}{2}$;

Sec. 30, E $\frac{1}{2}$ W $\frac{1}{2}$;

Sec. 31, lots 1, 2, 3, and 4, and E $\frac{1}{2}$ W $\frac{1}{2}$.

The areas described aggregate approximately 1,435.66 acres in Harney County.

3. At 8:30 a.m., on May 2, 1986, the lands described in paragraph 2 will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 8:30 a.m., on May 2, 1986, will be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

4. At 8:30 a.m., on May 2, 1986, the land described in paragraph 2, will be open to location and entry under the United States mining laws. Appropriation of land under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

5. At 8:30 a.m., on May 2, 1986, the lands described in paragraph 2, will be open to applications and offers under the mineral leasing laws.

Dated: March 18, 1986.

B. LaVelle Black,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 86-6682 Filed 3-26-86; 8:45 am]

BILLING CODE 4310-33-M

[A 21806]

Realty Action; Designation of Public Lands To Be Included in Private Exchange in Cochise County, AZ**AGENCY:** Bureau of Land Management, Interior.**ACTION:** Designation of public lands for transfer out of federal ownership in exchange for private lands.**SUMMARY:** BLM proposes to exchange public land in Cochise County, Arizona for private land in Mohave County, Arizona in order to achieve more efficient management of the public land through consolidation of ownership.

The following described public land is being considered for disposal by exchange pursuant to Section 206 of the Federal Land Policy and Management Act of October 21, 1976, 43 U.S.C. 1716.

Legal description	Acreage
Gila and Salt River Meridian, Arizona:	
T. 19 S., R. 25 E.,	
Sec. 17, lot 7	42.22
Sec. 18, SE 1/4 NE 1/4	40.00
Total	82.22

The above-described lands will be segregated from entry under the mining laws, except the mineral leasing laws, effective upon publication of this notice in the Federal Register. The segregative effect will terminate upon issuance of patent, upon expiration of two years from the effective date, or by publication of a Notice of Termination by the Authorized Officer, whichever comes first.

Final determination of disposal will await completion of an environmental analysis.

DATE: For a period of 45 days from date of publication in the Federal Register, interested parties may submit comments to the Safford District Manager, 425 E. 4th Street, Safford, Arizona 85546.

SUPPLEMENTARY INFORMATION: Detailed information concerning the exchange is available at the Safford District Office.

Dated: March 20, 1986.

Lester K. Rosenkrance,
District Manager.

[FR Doc. 86-6683 Filed 3-26-86; 8:45 am]

BILLING CODE 4310-32-M

rooms of the BLM/Fairbanks District Office, 1541 Gaffney Road, Fairbanks (on Fort Wainwright).

The meeting will convene at 9 a.m. and conclude at 5 p.m. each day. Public comments will be received by the Council from 1 to 2 p.m. each day. Oral comments may be limited by time and it is recommended that public comments be submitted in writing at the meeting.

The major topic of discussion will center on the organizational structure of BLM/Alaska. BLM management staff will also seek advice and guidance from Council members for future BLM programs in Alaska.

All Advisory Council meetings are open to the public. For additional information contact the Bureau of Land Management, Public Affairs Office, 1541 Gaffney Road, Fairbanks, Alaska 99703, telephone (907) 356-2345.

Donald E. Runberg,

District Manager, Fairbanks District Office.

[FR Doc. 86-6721 Filed 3-26-86; 8:45 am]

BILLING CODE 4310-JA-M

Yuma District Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Yuma (Arizona) District Advisory Council Meeting.

SUMMARY: A meeting and field tour by the Yuma District Advisory Council will be held on Friday, April 25. Council members will tour several BLM concessions along the Colorado River in the Havasu Resource Area.

DATE: April 25, 1986.

FOR FURTHER INFORMATION CONTACT:

Douglas B. Stockdale, Yuma District Office, 3150 Winsor Avenue, Yuma, Arizona 85365, (602) 726-6300.

SUPPLEMENTARY INFORMATION: A short initial meeting will be held at 9 a.m. in Parker at the Town Hall, 1314 Eleventh Street, for the election of Chairman and Vice Chairman of the Advisory Council. The tour will begin at 10 a.m. from the Town Hall. The Council will return to the Town Hall at 2 p.m. for a meeting. Discussions will center on the day's tour and other Council-initiated topics. The public is invited to attend the meetings and tour but must provide their own transportation.

Written statements from the public may be filed for the Council's consideration. Statements must arrive at the District Office by April 21. Oral statements will also be accepted, but depending on the number of persons wishing to address the Council, a per-person time limit may be imposed.

Summary minutes of the District Advisory Council meeting will be maintained in the Yuma District Office and will be available for inspection and reproduction during regular business hours (7:45 a.m. through 4:30 p.m.) within 30 days of the meeting.

Dated: March 21, 1986.

J. Darwin Snell,
District Manager.

[FR Doc. 86-6730 Filed 3-26-86; 8:45 am]

BILLING CODE 4310-32-M

[M 59763]

Montana; Order Providing for Opening of Public Land: Correction

March 21, 1986.

AGENCY: Bureau of Land Management, Interior.

ACTION: Correction to Opening Order.

SUMMARY: In Federal Register Doc. 86-2121, appearing on page 4041, in the issue of Friday, January 31, 1986, make the following correction:

On page 4041, third column, fifteenth line should read: sec. 6, lots 6 and 7, E 1/2 SW 1/4 and SE 1/4. The nineteenth line should read: aggregating 1,041.75 acres.

John A. Kwiatkowski,

Deputy State Director, Division of Lands and Renewable Resources.

[FR Doc. 86-6731 Filed 3-26-86; 8:45 am]

BILLING CODE 4310-DN-M

[W-96735]

Wyoming; Proposed Reinstatement of Terminated Oil and Gas Lease

March 20, 1986.

Pursuant to the provisions of Pub. L. 97-451, 96 Stat. 2462-2466, and Regulation 43 CFR 3108.2-3(a) and (b)(1), a petition for reinstatement of oil and gas lease W-96735 for lands in Johnson County, Wyoming was timely filed and was accompanied by all the required rentals accruing from the date of termination.

The lessee has agreed to the amended lease terms for rentals and royalties at rates of \$5.00 per acre, or fraction thereof, per year and 16 2/3 percent, respectively.

The lessee has paid the required \$500.00 administrative fee and \$106.25 to reimburse the Department for the cost of this Federal Register notice. The lessee has met all the requirements for reinstatement of the lease as set out in

Joint Meeting of Fairbanks and Anchorage District Advisory Councils

The District Advisory Councils for the Fairbanks and Anchorage Districts of the Bureau of Land Management will have a general meeting on Tuesday, April 22 and Wednesday, April 23, 1986. The meeting will be held in the training

section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease W-96735 effective November 1, 1985, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Andrew L. Tarshis,
Chief, Leasing Section.

[FR Doc. 86-6726 Filed 3-26-86; 8:45 am]

BILLING CODE 4310-22-M

Availability for Rio Puerco Resource Management Plan Record of Decision

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability.

SUMMARY: On January 16, 1986, Charles W. Luscher, New Mexico State Director, BLM, signed the Record of Decision (ROD) for the Rio Puerco Resource Management Plan (RMP). This ROD documents the approval of the plan described in the Rio Puerco Proposed RMP/Final Environmental Impact Statement (EIS) of October, 1985, as the land use plan for the Rio Puerco Resource Area.

This RMP will provide the framework to guide management decisions during the next 10 to 20 years on the Resource Area's 896,490 surface acres of public land, and 1,962,753 subsurface acres. The goal of this RMP is to provide for a combination of resource uses that will protect important environmental values and sensitive resources and at the same time, allow development of resources which produce commercial goods and services. The RMP also describes how the seven key resource issues that were identified with public involvement early in the planning process will be resolved. These issues are: (1) Special Management Areas; (2) Off-Road Vehicle Designations; (3) Vegetative Uses; (4) Land Ownership Adjustments; (5) Fuelwood Supply; (6) Rights-of-way Corridors; and (7) Coal Leasing Suitability Assessment.

In addition to the analysis performed for the EIS portion of the RMP, in compliance with the requirements of the National Environmental Policy Act of 1969, further environmental analysis will be conducted of site-specific plans and actions resulting from implementation of the RMP. The Resource Area will also prepare an RMP summary update each year to inform the public of the site-specific plans, activities, and environmental analyses to be developed

in the forthcoming year. This will allow interested members of the public to request information on these plans, activities and environmental analyses, and to comment upon them. The RMP summary updates will also inform the public of the progress being made in implementing the RMP.

Availability: The ROD has been sent to all recipients of the Proposed RMP/Final EIS. The approved RMP will be extracted from the Proposed RMP/Final EIS, reformatted, and printed with the ROD. Copies of the Draft RMP/EIS, Proposed RMP/Final EIS, ROD, and the forthcoming ROD/RMP and yearly RMP summary updates are available upon request from the Rio Puerco Area Manager at the address below.

FOR FURTHER INFORMATION CONTACT: Area Manager, Rio Puerco Resource Area, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87197-6770, Telephone (505) 766-3114.

SUPPLEMENTARY INFORMATION: Implementation of the RMP decisions will continue over a period of years. Priorities will be developed to guide the order of implementation for those decisions that cannot be immediately implemented.

The implementation priorities may be revised based upon new administrative policies, new Departmental directions or new Bureau goals.

Approval of the RMP placed into immediate effect the decisions described in the Proposed RMP to protect important resource values in 22 Special Management Areas (SMA's). The 426,636 acres in SMA's include private and State trust land that will be pursued for acquisition or is proposed to be managed cooperatively as part of SMA's through agreement with the owners. Included in the SMA's are ten Areas of Critical Environmental Concern (ACEC's) three Research Natural Areas (which are also ACEC's) and one National Scenic Trail, all of which were designated upon approval of the RMP.

Dated: March 21, 1986.

Charles W. Luscher,
State Director.

[FR Doc. 86-6681 Filed 3-26-86; 8:45 am]

BILLING CODE 4310-FB-M

Arcata Resource Management Plan Proposed Planning Criteria

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability of Proposed Planning Criteria.

SUMMARY: Pursuant to 43 CFR 1610.4-2, notice is hereby given that proposed planning criteria for the Arcata Resource Management Plan are available for public review and comment.

DATE: Comments on the proposed planning criteria will be accepted for thirty (30) days from the date of publication of this notice in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Timothy P. Julius, Planning and Environmental Coordinator, Ukiah District Office, P.O. Box 940, 555 Leslie Street, Ukiah, CA 95482 (Telephone: (707)462-3873).

SUPPLEMENTARY INFORMATION: Proposed planning criteria have been developed to guide development of the Arcata Resource Management Plan; these include preliminary assumptions, constraints and issues of this planning effort. The public is invited to review and comment on these planning criteria.

Dated: March 20, 1986.

Edwin G. Katlas,
Acting District Manager.

[FR Doc. 86-6729 Filed 3-26-86; 8:45 am]

BILLING CODE 4310-84-M

[U-54569]

Cancellation; Realty Action, Sale of Public Land in Washington County, UT

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of a public land sale U-54569 advertised in the Federal Register Vol. 51, No. 17, Monday, January 27, 1986 is hereby cancelled.

ADDRESS: Further information, if desired, can be obtained from the Dixie Resource Area Office, 225 North Bluff, St. George, Utah 84770, (801) 673-4654.

Dated: March 21, 1986.

Morgan S. Jensen,
District Manager.

[FR Doc. 86-6724 Filed 3-26-86; 8:45 am]

BILLING CODE 4310-DQ-M

[ORE-013144]

Oregon; Proposed Continuation of Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Forest Service, U.S. Department of Agriculture, proposes

that a land withdrawal for the Carberry Campground continue for an additional 20 years. The land would remain closed to mining but has been and would remain open to surface entry and mineral leasing.

FOR FURTHER INFORMATION CONTACT: Champ Vaughan, BLM Oregon State Office, P.O. Box 2965, Portland, Oregon 97208, (Telephone 503-231-6905).

SUPPLEMENTARY INFORMATION: The Forest Service, U.S. Department of Agriculture, proposes that a portion of the existing land withdrawal made by Public Land Order No. 3139 of July 30, 1963, be continued for a period of 20 years pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714.

The land involved is located approximately 25 miles southwest of Medford and contains 60 acres within Section 27, T. 40 S., R. 4 W., W.M., Jackson County, Oregon.

The purpose of the withdrawal is to protect the Carberry Campground in the Rogue River National Forest. The withdrawal segregates the land from location and entry under the mining laws, but not from operation of the public land laws, including the mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawal.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal continuation may present their views in writing to the undersigned officer at the address specified above.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register**. The existing withdrawal will continue until such final determination is made.

Dated: February 10, 1986.

B. LaVelle Black,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 86-6680 Filed 3-26-86; 8:45 am]

BILLING CODE 4310-33-M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Shell Offshore Inc.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document.

SUMMARY: This Notice announces that Shell Offshore Inc., Unit Operator of the High Island Block 160 Field Federal Unit Agreement No. 14-08-0001-8666, submitted on March 10, 1986, a proposed Development Operations Coordination Document describing the activities it proposes to conduct on the High Island Block 160 Federal unit.

The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the plan and that it is available for public review at the offices of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Records Management Section, Room 143, open weekdays 9:00 a.m. to 3:30 p.m., 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone (504) 838-0519.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in the proposed development operations coordination document available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: March 19, 1986.

J. Rogers Percy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 86-6688 Filed 3-26-86; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Walter Oil and Gas Corp.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document.

SUMMARY: This Notice announces that Walter Oil & Gas Corporation, Unit Operator of the Vermilion Block 164 Federal Unit Agreement No. 14-08-0001-7800, submitted on March 17, 1986, a proposed Development Operations Coordination Document describing the activities it proposes to conduct on the Vermilion Block 164 Federal unit.

The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the plan and that it is available for public review at the offices of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Records Management Section, Room 143, open weekdays 9:00 a.m. to 3:30 p.m., 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone (504) 838-0519.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in the proposed development operations coordination document available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: March 20, 1986.

J. Rogers Percy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 86-6434 Filed 3-26-86; 8:45 am]

BILLING CODE 4310-MR-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Public Information Collection Requirements Submitted to OMB for Review

The Agency for International Development submitted the following public information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Comments regarding these information collections should be addressed to the OMB reviewer listed at the end of the entry no later than (ten days after publication). Comments may also be addressed to, and copies of the

submissions obtained from the Reports Management Officer, Mr. Fred D. Allen, (202) 632-3378, IRM/PE, Room 708, SA-12, Washington, DC 20523.

Date Submitted: March 7, 1986.

Submitting Agency: Agency for International Development.

OMB Number: 0412-0514.

Form Number:

Type of Submission: Renewal

Title: Rules and Procedures Applicable to Commodity Transactions

Purpose: AID finances transactions under Commodity Import Programs and needs to assure that the transaction complies with applicable statutory and regulatory requirements. In order to assure compliance and request refund when appropriate, information is required from host country importers, suppliers receiving AID funds, and banks making payments for AID.

Reviewer: Francine Picoult (202) 395-7231, Office of Management and Budget, Room 3201, New Executive Office Building, Washington, DC 20503.

Dated: March 18, 1986.

Fred D. Allen,

Planning and Evaluation Division.

[FR Doc. 86-6672 Filed 3-26-86; 8:45 am]

BILLING CODE 6116-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-183]

Indomethacin; Import Investigation

AGENCY: International Trade Commission.

ACTION: Remand of the investigation to the administrative law judge (ALJ) in accordance with the decision of the Court of Appeals for the Federal Circuit in *Merck & Co., Inc. v. International Trade Commission*, 227 U.S.P.Q. 779 (Fed. Cir. 1985), and certification of the joint motion (Motion No. 183-77"C") of complainant Merck & Co., Inc. (Merck) and respondent Lederle Laboratories (Lederle) to terminate the investigation as to Lederle to the ALJ for a decision.

FOR FURTHER INFORMATION CONTACT: Marcia H. Sandeen, Esq., Office of the General Counsel, International Trade Commission, Telephone 202-523-0480.

SUPPLEMENTARY INFORMATION: On September 11, 1984, the ALJ issued an ID (Order No. 41) granting respondent Mylan Pharmaceutical Company's (Mylan) motion (Motion No. 183-59) for summary determination of the investigation based on a finding of no violation of section 337. Merck petitioned for review of the ID. The

Commission determined not to review the ID on October 11, 1984, thereby terminating the investigation on the basis of a finding of no violation of section 337.

On December 6, 1984, complainant Merck appealed the Commission's determination to the Court of Appeals for the Federal Circuit (CAFC). On October 9, 1985, the CAFC issued its opinion reversing the Commission's summary determination and remanding the investigation to the Commission. *Merck & Co., Inc. v. International Trade Commission*, 227 U.S.P.Q. 779 (Fed. Cir. 1985). The CAFC issued its mandate on November 29, 1985.

On January 23, 1986, Merck and respondent Lederle filed a joint motion (Motion No. 183-77"C") to terminate the investigation as to Lederle on the basis of a settlement agreement. The Commission investigative staff filed a response to the joint motion.

Notice of this investigation was published in the *Federal Register* of February 23, 1984 (49 FR 6810).

The authority for the Commission's disposition of this matter is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), and 19 U.S.C. 1337a, and in §§ 210.51 and 210.53 of the Commission's Rules of Practice and Procedure (19 CFR 210.51 and 210.53).

Copies of the Commission's action and order and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202-523-0161. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-724-0002.

By order of the Commission.

Issued: March 17, 1986.

Kenneth R. Mason,
Secretary.

[FR Doc. 86-6666 Filed 3-26-86; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-243]

Luggage Products; Investigation

AGENCY: International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on February 12, 1986, pursuant to section

337 of the Tariff Act of 1930 (19 U.S.C. 1337), by Lenox, Incorporated, 100 Lenox Drive, Lawrenceville, New Jersey 08648, on behalf of its division, Hartmann Luggage Company. The complaint alleges unfair methods of competition and unfair acts in the importation of certain luggage products into the United States, and in their sale, by reason of alleged (1) violation of section 43(a) of the Lanham Act; (2) common law trademark infringement; (3) trademark dilution; (4) trade dress misappropriation; (5) passing off; and (6) unfair competition. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

The complainant requests that the Commission institute an investigation and, after a full investigation, issue a permanent exclusion order and permanent cease and desist orders.

FOR FURTHER INFORMATION CONTACT: Jeffrey L. Gertler, Esq., or Patricia Ray, Esq., Office of Unfair Import Investigations, International Trade Commission, telephone 202-523-0015 and 202-523-0440, respectively.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930 and in § 210.12 of the Commission's Rules of Practice and Procedure (19 CFR 210.12).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on March 14, 1986, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, an investigation be instituted to determine whether there is a violation of subsection (a) of section 337 in the unlawful importation of certain luggage products into the United States, or in their sale, by reason of alleged (1) common law trademark infringement; (2) trade dress misappropriation; (3) passing off; (4) false representation; (5) trademark dilution; and (6) unfair competition, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—Lenox, Incorporated, 100 Lenox Drive, Lawrenceville, New Jersey 08648.

(b) The respondents are the following companies, alleged to be in violation of

section 337, and are the parties upon which the complaint is to be served:

Pei Lin Leather Products, 205 Nanking Road, Taipei, Taiwan
 Welty Plastic Products Co., Ltd., N. Rd. No. 7 Alley 9, Lane 5, Sec. 1, Chung Shan, Taipei, Taiwan
 Star Leather Products Co., Ltd., P.O. Box 46-566, Taipei, Taiwan
 Pungkook Industrial Co., Ltd., CPO-Box 5212, Seoul, Korea
 Kingport International Corporation, 1228 Emerson, Evanston, Illinois 60201
 Pedro Companies (Inc.), 104 E. Tenth Street, St. Paul, Minnesota 55101
 American Guard-It Manufacturing Company, 1240 N. Homan Avenue, Chicago, Illinois 60651
 Montgomery Ward & Co., Inc., One Montgomery Ward Plaza, Chicago, Illinois 60671
 Monarch Luggage Company, Inc., 5-19 Delavan Street, Brooklyn, New York 11231
 Dimensions Unlimited, Inc., 400 South Edward Street, Mt. Prospect, Illinois 60057
 K Mart Corporation, 3100 West Big Beaver Road, Troy, Michigan 48064
 Winn International Corporation, 6001 North Clar, Chicago, Illinois 60660

(c) Jeffrey L. Gertler, Esq. and Patricia Ray, Esq., Office of Unfair Import Investigations, U. S. International Trade Commission, 701 E Street NW., Room 125, Washington, DC 20436, shall be the Commission investigative attorneys, party to this investigation; and

(3) For the investigation so instituted, Janet D. Saxon, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding administrative law judge.

Responses must be submitted by the named respondents in accordance with § 210.21 of the Commission's Rules of Practice and Procedure (19 CFR § 210.21). Pursuant to §§ 201.16(d) and 210.21(a) of the Rules (19 CFR §§ 201.16(d) and 210.21(a)), such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice

and to enter both an initial determination and a final determination containing such findings.

The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room 156, Washington, DC 20436, telephone 202-523-0471. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-724-0002.

By order of the Commission.

Issued: March 17, 1986.

Kenneth R. Mason,
 Secretary.

[FR Doc. 86-6665 Filed 3-26-86; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-239]

Non-Contact Laser Precision Dimensional Measuring Devices and Components; Change of Commission Investigative Attorney

Notice is hereby given that, as of this date, Juan Cockburn, Esq., and Gary Rinkerman, Esq., of the Office of Unfair Import Investigations will be the Commission investigative attorney in the above-cited investigation instead of Gary Rinkerman, Esq. and Stephen L. Sulzer, Esq.

The Secretary is requested to publish this Notice in the **Federal Register**.

Dated: March 19, 1986.

Arthur Wineburg,
 Director, Office of Unfair Import Investigations, International Trade Commission.

[FR Doc. 86-6667 Filed 3-26-86; 8:45 am]

BILLING CODE 7202-02-M

[Investigations Nos. 701-TA-272 and 731-TA-319 (Preliminary)]

Operators for Jalousie and Awning Windows From El Salvador

AGENCY: International Trade Commission.

ACTION: Institution of preliminary countervailing duty and antidumping investigations and scheduling of a conference to be held in connection with the investigation.

SUMMARY: The Commission hereby gives notice of the institution of preliminary countervailing duty investigation No. 701-TA-272 (Preliminary) under section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a)) to determine

whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from El Salvador of operators suitable for use with jalousie and awning windows, provided for in item 647.03 of the Tariff Schedules of the United States, which are alleged to be subsidized by the Government of El Salvador.

The Commission also gives notice of the institution of preliminary antidumping investigation No. 731-TA-319 (Preliminary) under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from El Salvador of operators suitable for use with jalousie and awning windows, provided for in item 647.03 of the Tariff Schedules of the United States, which are alleged to be sold in the United States at less than fair value.

As provided in sections 703(a) and 733(a), the Commission must complete preliminary countervailing duty and antidumping investigations in 45 days, or in this case by May 5, 1986.

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and B (19 CFR Part 207), and Part 201, Subparts A through E (19 CFR Part 201).

EFFECTIVE DATE: March 19, 1986.

FOR FURTHER INFORMATION CONTACT: Lawrence Rausch (202-523-0300), Office of Investigation, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-724-0002.

SUPPLEMENTARY INFORMATION:

Background

These investigations are being instituted in responses to a petition filed on March 19, 1986 by counsel on behalf of the Anderson Corporation, San Juan, Puerto Rico, and the Caribbean Die Casting Corporation, Bayamon, Puerto Rico.

Participation in the Investigation

Persons wishing to participate in these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules (19 CFR 201.11), not later than seven (7) days after publication of this notice in the *Federal Register*. Any entry of appearance filed after this date will be referred to the Chairwoman, who will determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Service list

Pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)), the Secretary will prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance. In accordance with §§ 201.16(c) and 207.3 of the rules (19 CFR 201.16(c) and 207.3), each document filed by a party to these investigations must be served on all other parties to the investigations (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service.

Conference

The Commission's Director of Operations has scheduled a conference in connection with these investigations for 9:30 a.m. on April 11, 1986 at the U.S. International Trade Commission Building, 701 E Street NW, Washington, DC. Parties wishing to participate in the conference should contact Lawrence Rausch (202-523-0300) not later than April 8, 1986 to arrange for their appearance. Parties in support of the imposition of countervailing and/or antidumping duties in these investigations and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference.

Written Submissions

Any person may submit to the Commission on or before April 15, 1986 a written statement of information pertinent to the subject of these investigations, as provided in § 207.15 of the Commission's rules (19 CFR 207.15). A signed original and fourteen (14) copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the rules (19 CFR 201.8). All written submissions except for confidential business data

will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired must be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6).

Authority

These investigations are being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.12 of the Commission's rules (19 CFR 207.12).

By order of the Commission.

Issued: March 21, 1986.

Kenneth R. Mason,
Secretary.

[FR Doc. 86-6669 Filed 3-26-86; 8:45 am]

BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-156 (Sub-16X)]

Delaware and Hudson Railway Co.; Abandonment Exemption in Susquehanna County, PA; Exemption

Applicant has filed a notice of exemption under 49 CFR Part 1152, Subpart F—*Exempt Abandonments* to abandon its Jeff Connection, extending a distance of 1.88 miles between Mile Post 139.09 and Mile Post 140.97, in the Borough of Lanesboro, Susquehanna County, PA.

Applicant has certified (1) that no local traffic has moved over the line for at least 2 years and that overhead traffic may be rerouted, and (2) that no formal complaint filed by a user of rail service on the line (or by a State or local governmental entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or any U.S. District Court, or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

As a condition to use of this exemption, any employee affected by the abandonment will be protected pursuant to *Oregon Short Line R. Co.—Abandonment-Goshen*, 360 I.C.C. 91 (1979).

The exemption will be effective April 26, 1986 (unless stayed pending reconsideration). Petitions to stay must be filed by April 7, 1986, and petitions for reconsideration, including environmental, energy, and public use concerns, must be filed by April 16, 1986, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: George H. Kleinberger, Fifth Street, Watervliet, NY 12189.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio*.

A notice to the parties will be issued if use of the exemption is conditioned upon environmental or public use conditions.

Decided: March 19, 1986.

By the Commission, Jane F. Mackall,
Director, Office of Proceedings.

James H. Bayne,

Secretary.

[FR Doc. 86-6734 Filed 3-26-86; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-156 (Sub-17X)]

Delaware and Hudson Railway Co.; Abandonment in Chenango and Broome Counties, NY and Susquehanna County, PA; Exemption

Applicant has filed a notice of exemption under 49 CFR Part 1152, Subpart F—*Exempt Abandonments* to abandon its 23.91-mile line of railroad between milepost 117.59 [Valuation Station 4900+11.6] in the Town of Afton, NY and milepost 141.5 [Valuation Station 184+03] in Harmony Township, PA.

Applicant has certified (1) that no local traffic has moved over the line for at least 2 years and that overhead traffic is not moved over the line or may be rerouted, and (2) that no formal complaint filed by a user of rail service on the line (or by a State or local governmental entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or any U.S. District Court, or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected pursuant to *Oregon Short Line R. Co.—*

Abandonment-Goshen, 360 I.C.C. 91 (1979).

The exemption will be effective April 26, 1986 (unless stayed pending reconsideration). Petitions to stay must be filed by April 7, 1986, and petitions for reconsideration, including environmental, energy, and public use concerns, must be filed by April 16, 1986, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: George H. Kleinberger, Fifth Street, Watervliet, NY 12189.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio*.

A notice to the parties will be issued if use of the exemption is conditioned upon environmental or public use conditions.

Decided: March 20, 1986.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

James H. Bayne,
Secretary.

[FR Doc. 86-6735 Filed 3-26-86; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Lodging of Consent Decree Pursuant to Clean Water Act; Muncie, IN, et al.

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on March 20, 1986 a proposed Consent Decree in *United States, et al. v. City of Muncie, et al.*, Civil Action No. IP 84-1321-C, was lodged with the United States District Court for the Southern District of Indiana. The proposed Consent Decree concerns control of pollution in effluent from a municipal wastewater treatment plant in Muncie, Indiana. The proposed Consent Decree requires the defendant to establish a compliance schedule and to pay a civil penalty of \$75,000.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed consent order. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States et al. v. City of Muncie, et al.*, D.J. Ref. 90-5-1-1-2136.

The proposed Consent Decree may be examined at the office of the United States Attorney, Southern District of Indiana, 274 U.S. Courthouse, 46 East Ohio Street, Indianapolis, Indiana 46204

and at the Region V Office of the Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604. Copies of the Consent Decree may be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1517, Ninth Street and Pennsylvania Avenue, NW., Washington, DC 20530. A copy of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of \$2.00 (10 cents per page reproduction cost) payable to the Treasurer of the United States.

F. Henry Habicht II,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 86-6686 Filed 3-26-86; 8:45 am]

BILLING CODE 4410-01-M

Office of Justice Programs

President's Child Safety Partnership; Hearings

AGENCY: Office of Justice Programs, Justice.

ACTION: Notice of hearings.

SUMMARY: The Office for Victims of Crime announces a forthcoming series of hearings to be held by the President's Child Safety Partnership.

SUPPLEMENTARY INFORMATION: The President's Child Safety Partnership (hereafter referred to as the Partnership) will hold a series of five public hearings on the issue of child safety. The Partnership, which was announced by the President on April 29, 1985, and which held its initial meeting on January 16, 1986, consists of 26 members from the public, private (both corporate and nonprofit), state and local, and Federal sectors, and includes a wide range of expertise in fields related to child safety. The Partnership functions solely as an advisory committee in full compliance with the provisions of the Federal Advisory Committee Act.

The Partnership members recognize the magnitude and complexity of the child safety problem, and realize that the only way to effectively address it is through the help and support of a wide group of organizations, agencies, and individuals. Consequently, the Partnership will seek the input of these groups on a broad range of issues. The input received through both written and oral testimony will be used by the Partnership to make recommendations

to the President on ways in which we can both prevent the victimization of our country's children and more fully utilize private sector resources in responding to the problem.

The scope of the Partnership inquiry and the recommendations the Partnership will make will be concerned with a broad range of offenses against children, specifically: Child physical abuse and neglect; child sexual abuse and molestation; theft, assault, robbery, and murder of children; parental and stranger abduction of children; exploitation of children (prostitution, pornography), runaway children (recognizing the extreme vulnerability of runaways to victimization); and drug abuse.

The initial public hearing will focus primarily on the effects of child victimization in the above named offenses and the role of the private sector in addressing them. In addition, it will seek to identify specific issues of child safety requiring priority attention, and strategies to prevent child victimization, and to also examine model program approaches and other public-private responses to child victimization and legislative and Federal coordination issues.

Oral and written testimony will be solicited from the public. The testimony will be used as a basis for making recommendations to the President.

Location/Dates

The initial public hearing of the Partnership will be held: April 15-16, 1986 at the Covenant House Community Chapel, 690 8th Avenue (Between 43rd and 44th Streets), New York, New York 10036.

Seats available to the public: 200.

On April 15th, the hearing will be held from 9:00 a.m. to approximately 6:00 p.m.; and on April 16, from 9:00 a.m. to approximately Noon.

Regional hearings will be held in Chicago, Illinois (early May), Austin, Texas (late May), Denver, Colorado (mid-June), and Seattle, Washington (mid-July). Specific hearing locations and dates for these hearings will be announced in a subsequent Federal Register Notice.

Procedure

The Partnership invites all interested parties to submit written testimony of program information regarding any of the aforementioned aspects of child safety. Persons interested in providing written testimony should submit it to: Lois Haight Herrington, Assistant Attorney General, Office of Justice Programs, 633 Indiana Avenue, NW.,

Washington, DC 20531. If possible, all written testimony should be typed and submitted in duplicate. All written testimony is due not later than September 30, 1986, but should be submitted as soon as possible for maximum consideration.

Persons interested in providing oral testimony at the initial hearing in New York should notify Assistant Attorney General Herrington in writing (same address as above), as soon as possible, and in no event later than April 4, 1986. The Partnership will make the final determinations as to what persons/organizations will be invited to provide oral testimony.

Conduct of Hearings

The hearings, which will be open to the public, will begin at 9:00 a.m. The Chairman of the Partnership, or his designee, will preside at the hearings. Other members of the Partnership will join the Chairman. These will not be judicial or evidentiary-type hearings and there will not be any cross-examination. However, clarifying questions and discussion by Partnership members may follow each presentation. There will be time set aside at the conclusion of the hearings for brief comments by members of the public.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding official.

A transcript of the hearings will be made. The entire record of the hearings, including transcript, will be retained by the Partnership, and will be available to the public. Any person may purchase a copy of the transcript from the transcribing organization.

For further general information on the Partnership hearings contact: Mr. William Modzeleski, President's Child Safety Partnership, 633 Indiana Avenue, NW., Washington, DC 20531. Phone: (202) 272-6500.

Dated: March 21, 1986.

Lois Haight Herrington,

Assistant Attorney General, Office of Justice Programs.

[FR Doc. 86-6684 Filed 3-26-86; 8:45 am]

BILLING CODE 4410-18-M

President's Child Safety Partnership; Meeting

AGENCY: Department of Justice.

ACTION: Meeting.

SUMMARY: The Office for Victims of Crime announces a meeting of the President's Child Safety Partnership.

SUPPLEMENTAL INFORMATION: Notice is hereby given that the second meeting of the President's Child Safety Partnership (hereinafter referred to as the Partnership) will be held on April 14, at the Roosevelt Hotel, 45th & Madison Avenue, New York, NY, from 7:00 p.m. to 8:00 p.m.

The meeting, which will be open to the public, will be presided over by the Chairman of the Partnership. The purpose of the meeting will be to discuss matters related to the three priority areas selected for Partnership action at the January 16 meeting: private sector involvement, awards, and information/public awareness.

Meeting time will also be devoted to discussion of the conduct of the first public hearing (see adjacent **Federal Register** notice). A period for public comments will be set aside.

Approximately fifty seats will be available for the public, on a first-come, first-served basis. The agenda will be available at the meeting.

A transcript of the meeting will be made. The entire record of the transcript will be retained by the President's Child Safety Partnership, and will be available to the public. Any person may purchase a copy of the transcript from the reporter.

For further information contact: Mr. William Modzeleski, President's Child Safety Partnership, 633 Indiana Avenue, NW., Washington, DC 20531. Phone: (202) 272-6500.

Dated: March 21, 1986.

Lois Haight Herrington,

Assistant Attorney General, Office of Justice Programs.

[FR Doc. 86-6685 Filed 3-26-86; 8:45 am]

BILLING CODE 4410-18-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Expansion Arts Advisory Panel, Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Expansion Arts Advisory Panel (Performing Arts/Dance, Music & Combination Section) to the National Council on the Arts will be held on April 16-18, 1986, from 9:00 a.m. to 5:30 p.m., Room 714 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW, Washington, DC 20506.

A portion of this meeting will be open to the public on April 16, 1986 from 9:00 a.m. to 10:30 a.m. and April 18, 1986, from 2:00 p.m. to 5:30 p.m. to discuss

General Program Overview, Guidelines and Policy issues.

The remaining sessions of this meeting on April 16, 1986 from 10:30 a.m. to 5:30 p.m., April 17, 1986 from 9:00 a.m. to 5:30 p.m. and April 18, 1986 from 9:00 a.m. to 1:00 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and Humanities Act of 1965, as amended, including discussion of information given in confidence to the Agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and 9(B) of section 552b of Title 5, United States Code.

If you need accommodations due to a disability, please contact the Office for Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW, Washington DC 20506, 202/682-5532, TTY 202/682-5496 at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call 202/682-5433.

John H. Clark,

Director, Office of Council and Panel Operations National Endowment for the Arts.

March 21, 1986.

[FR Doc. 86-6689 Filed 3-26-86; 8:45 am]

BILLING CODE 7537-01-M

Inter-Arts Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Inter-Arts Advisory Panel (Challenge Section) to the National Council on the Arts will be held on April 14, 1986 from 9:00 a.m. to 5:30 p.m., Room M-07 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW, Washington, DC 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the Agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of

February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682-5433.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts,
March 21, 1986.

[FR Doc. 86-6690 Filed 3-26-86; 8:45 am]

BILLING CODE 7537-01-M

Office of Partnership Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Office of Partnership Advisory Panel (Locals Test Program Section) to the National Council on the Arts will be held on April 11, 1986 from 9:15 a.m. to 3:00 p.m., Room 730 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW, Washington, DC 20506.

A portion of this meeting will be open to the public on April 11, 1986 from 1:30 p.m. to 3:00 p.m., to discuss Policy and guidelines.

The remaining sessions of this meeting on April 11, 1986 from 9:30 a.m. to 12:00 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and Humanities Act of 1965, as amended, including discussion of information given in confidence to the Agency by grant applicants. In accordance with the determination of the Chairman published in the *Federal Register* of February 13, 1980, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

If you need accommodations due to a disability, please contact the Office for Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW, Washington DC 20506, 202/682-5532, TTY 202/682-5496 at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National

Endowment for the Arts, Washington, DC 20506, or call (202) 682-5433.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts,
March 21, 1986.

[FR Doc. 86-6692 Filed 3-26-86; 8:45 am]

BILLING CODE 7537-01-M

Visual Arts Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Visual Arts Advisory Panel (Photography Fellowships Section) to the National Council on the Arts will be held on April 14-17, 1986 from 9:00 a.m. to 8:00 p.m. and April 18, 1986 from 9:00 a.m. to 6:00 p.m., Room 716 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW, Washington, DC 20506.

This meeting is for the purpose of Application review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the Agency by grant applicants. In accordance with the determination of the Chairman published in the *Federal Register* of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682-5433.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts,
March 21, 1986.

[FR Doc. 86-6691 Filed 3-26-86; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL LABOR RELATIONS BOARD

Appointments of Individuals To Serve as Members of Performance Review Boards

5 U.S.C. 4314(c)(4) requires that the appointments of individuals to serve as members of performance review boards be published in the *Federal Register*. Therefore, in compliance with this requirement, notice is hereby given that the individuals whose names and position titles appear below have been

appointed to serve as members of performance review boards in the National Labor Relations Board for the rating year beginning January 1, 1985 and ending December 31, 1985.

Name and Title

Robert E. Allen—Associate General Counsel, Enforcement Litigation
Harold J. Datz—Associate General Counsel, Advice
Joseph E. DeSio—Associate General Counsel, Operations Management
Michael J. Fogerty—Chief Counsel to Board Member
John E. Higgins, Jr.—Deputy General Counsel
Paul E. Long—Deputy Director of Administration
Rosemary Pye—Chief Counsel to Board Member
Eugene L. Rosenfeld—Deputy Associate General Counsel, Operations Management
Ernest Russell—Director of Administration
Jonathan R. Scheinbart—Chief Counsel to Board Member
Elinor H. Stillman—Chief Counsel to Board Member
Berton B. Subrin—Director, Office of Representation Appeals
John C. Truesdale—Executive Secretary
Melvin J. Welles—Chief Administrative Law Judge
Charles M. Williamson—Chief Counsel to the Chairman

Dated: Washington, DC, 24 March 1986

By Direction of the Board.

John C. Truesdale,

Executive Secretary, National Labor Relations Board.

[FR Doc. 86-6785 Filed 3-26-86; 8:45 am]

BILLING CODE 7545-01-M

NATIONAL SCIENCE FOUNDATION

Division of Atmospheric Sciences; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Atmospheric Sciences (ACAS)

Date: April 16-18, 1986

Time: 8:45 a.m.-5:00 p.m.

Place: Room 543, National Science Foundation, 1800 G Street, NW., Washington, DC 20550

Type of Meeting:

Open: April 16, 1986, 8:45 a.m.-5:00 p.m.;

April 18, 1986, 2:30 p.m.-4:30 p.m.

Closed: April 17, 1986, 9:00 a.m.-5:00 p.m.;

April 18, 1986, 9:00 a.m.-2:30 p.m.

Contact: Dr. Eugene W. Bierly, Division Director, Division of Atmospheric Sciences,

Room 644, National Science Foundation, Washington, D.C. 20550, Telephone: (202) 357-9874.

Purpose of Meeting: The Advisory Committee for Atmospheric Sciences provides advice, recommendations, and oversight concerning support for research and research-related activities in the atmospheric sciences area.

Agenda

April 16, 1986, Room 543, 8:45 a.m. to 5:00 p.m.

- Opening remarks by Chairman, ACAS, and Division Director, ATM
- ACAS Review of the Scientific Programs Evaluation Committee (SPEC) Process for Evaluating NCAR Scientific Activities

April 17, 1986, Closed, Rooms 543 and 212L, 9:00 a.m. to 5:00 p.m.

- ACAS Subcommittee Reviews of the Aeronomy Program and the Global Atmospheric Research Program including examination of proposal jackets, reviewer comments and other privileged material

April 18, 1986, Closed, Rooms 543 and 212L, 9:00 a.m. to 2:30 p.m.; Open, Room 543, 2:30–4:30 p.m.

- ACAS Subcommittee Reviews of the Aeronomy and GARP Programs continued (9:00 a.m.–2:30 p.m.)
- Presentation of Reports on reviews of the SPEC Process for evaluating NCAR scientific activities, the Aeronomy and GARP programs
- Date and Agenda Items for Fall Meeting, 1986
- ACAS Replacements

Adjourn General Meeting
Reason for closing: The meeting will deal with a review of grants and declinations in which the Committee will review materials containing the names of applicant institutions and principal investigators and privileged information contained in declined proposals. This meeting will also include a review of peer review documentation pertaining to applicants. Any non-exempt materials that may be discussed at this meeting (proposals that have been awarded) will be inextricably intertwined with the discussion of exempt materials and no further separation is practical. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b (c), the Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10 (d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

March 24, 1986.

M. Rebecca Winkler,
Committee Management Officer.

[FR Doc. 86-6777 Filed 3-26-86; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for History and Philosophy of Science; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for History and Philosophy of Science.

Date and time: April 11-12, 1986—Friday, 9:00 a.m. to 5:30 p.m.; Saturday, 9:00 a.m. to 4:00 p.m.

Place: National Science Foundation, 1800 G Street, NW., Washington, DC, Room 628.

Type of meeting: Closed.

Contact person: Dr. Ronald J. Overmann, Program Director, History and Philosophy of Science, Room 316, National Science Foundation, Washington, DC, 20550 Telephone: (202) 357-9677.

Purpose of advisory panel: To provide advice and recommendation concerning support for research in the History and Philosophy of Science Program.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, of July 6, 1979.

M. Rebecca Winkler,

Committee Management Officer.

March 24, 1986.

[FR Doc. 86-6778 Filed 3-26-86; 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee for the Mathematical Sciences; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Committee for the Mathematical Sciences.

Date and time: April 17, 1986—9:00 a.m. to 5:00 p.m.; April 18, 1986—8:30 a.m. to 5:00 p.m.
Place: Room 540, National Science Foundation, 1800 G Street, NW., Washington, DC 20550.

Type of meeting:

4/17 Open—9:00 a.m. to 4:00 p.m.

4/17 Closed—4:00 p.m. to 5:00 p.m.

4/18 Open—8:30 a.m. to 5:00 p.m.

Contact Person: Dr. Judith S. Sunley,

Deputy Division Director, Division of Mathematical Sciences, Room 339, National

Science Foundation, Washington, DC 20550. Telephone (202) 357-9669. Anyone planning to attend this meeting should notify Dr. Sunley no later than April 14, 1986.

Purpose of committee: To provide advice and recommendations concerning support for research in the mathematical sciences.

Agenda

Thursday, April 17, 1986—9:00 a.m. to 4:00 p.m.—Open

Introductory remarks

Outlining the major issues

Background for informed discussion

Oversight reports from October, 1985

Status of the division

Computational mathematics

Interface with other agencies

Interface with the rest of the Foundation

Human resource issues, general and field specific

Graduate students

Undergraduate education

Postdoctoral researchers

Thursday, April 17, 1986—4:00 p.m. to 5:00 p.m.—Closed

Discussion of pending proposals with policy implications.

Friday, April 18, 1986—8:30 a.m. to 5:00 p.m.—Open

Establishing priorities for the support of research in the mathematical sciences: Including discussion of

- Mechanisms for providing research support;

• Ensuring a flow of new talent to the field from a broad pool of potential mathematical scientists;

• Balancing support of research in the mathematical sciences with investment for the future;

• The role of computational mathematics and the development of future scientific initiatives.

(This may include some time in discussion groups to facilitate the production of committee resolutions.)

Other business.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposal. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Officer.

March 24, 1986.

[FR Doc. 86-6779 Filed 3-26-86; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Metabolic Biology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Metabolic Biology.

Date and time: April 17, 18 and 19, 1986 9:00 a.m.-5:00 p.m.

Place: The Georgetown Dutch Inn, 1075 Thomas Jefferson Street, NW., Washington, DC 20007.

Type of meeting: Closed.

Contact person: Dr. William van B. Robertson, Metabolic Biology Program, Room 325, National Science Foundation, Wash., DC 20550, Telephone (202) 357-7987.

Purpose of advisory panel: To provide advice and recommendations concerning support for research in metabolic biology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF on July 6, 1979.

Dated: March 24, 1986.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 86-6780 Filed 3-26-86; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Ocean Sciences Research; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Ocean Sciences Research.

Date and time: April 15-17, 1986; 8:30 a.m.-6:00 p.m.

Place: Rooms 523, 628, 1141, and 1243, National Science Foundation, 1800 G Street, NW., Washington, DC 20550.

Type of meeting: Closed.

Contact person: Dr. Robert E. Wall, Head, Ocean Sciences Research Section, Room 611, National Science Foundation, Washington, DC 20550, telephone (202) 357-7924.

Purpose of meeting: To provide advice and recommendations concerning support for research in Oceanography.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determination by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Officer.

March 26, 1986.

[FR Doc. 86-6781 Filed 3-26-86; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Political Science; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Political Science.

Date and Time: April 15-16, 1986—Tuesday, 9:00 a.m. to 5:00 p.m.; Wednesday, 9:00 a.m. to 5:00 p.m.

Place: National Science Foundation, 1800 G Street, NW, Washington, DC, Room 1242A.

Type of meeting: Closed.

Contact person: Frank P. Scioli, Jr. or Lee P. Sigelman, Program Directors for Political Science, Room 316, National Science Foundation, Washington, DC 20550, Telephone: (202) 357-9406.

Purpose of advisory panel: To provide advice and recommendation concerning support for research in the Political Science Program.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for closing: The proposal being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b (c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such

determinations by the Director, NSF, of July 6, 1979.

M. Rebecca Winkler,

Committee Management Officer.

March 24, 1986.

FR Doc. 86-6782 Filed 3-26-86; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Social/Cultural Anthropology; Meeting;

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Social/Cultural Anthropology.

Date and time: April 14 and 15, 1986; 9:00 a.m.-5:00 p.m.

Place: National Science Foundation, 2000 L Street, NW., Room 613, Washington, DC 20550.

Type of meeting: Closed.

Contact person: Dr. Stuart Plattner, Associate Program Director, Anthropology Program, Room 320, National Science Foundation, Washington, DC 20550; (202) 357-7804.

Purpose of meeting: To provide advice and recommendations concerning support in social/cultural anthropology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF on July 6, 1979.

M. Rebecca Winkler,

Committee Management Officer.

March 24, 1986.

[FR Doc. 86-6783 Filed 3-26-86; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[License No. 25-16906-01; EA 85-58]

Frances Mahon Deaconess Hospital; Order Imposing Civil Monetary Penalties

I

Frances Mahon Deaconess Hospital, 621 Third Street South, Glasgow,

Montana, (licensee) is the holder of License No. 25-16906-01 issued by the Nuclear Regulatory Commission (NRC). License No. 25-16906-01 authorizes human use of byproduct material and is due to expire February 28, 1987.

II

An inspection of the licensee's activities under its license was conducted on April 17, 1985. As a result of the inspection, it appeared that the licensee had not conducted its activities in full compliance with the conditions of its license. The results of the inspection were discussed with licensee representatives during a telephone enforcement conference on May 3, 1985. A written Notice of Violation and proposed Imposition of Civil Penalties was served upon the licensee by letter dated June 24, 1985. This Notice stated the nature of the violations, requirements of the NRC that the licensee had violated, and the amount of civil penalties proposed. Responses to the Notice of Violation and Proposed Imposition of Civil Penalties dated July 18, 1985 and February 20, 1986 were received from the licensee.

III

Upon consideration of the answers received and the statements of fact, explanation, and arguments for remission or mitigation of the proposed civil penalties contained therein, as set forth in the Appendix to this Order, the Director, Office of Inspection and Enforcement, has determined that the violations occurred as stated and that the penalties proposed for the violations designated in the Notice of Violation and Proposed Imposition of Civil Penalties should be imposed.

IV

In view of the foregoing and pursuant to section 234 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2282, Pub. L. 96-295) and 10 CFR 2.205, It Is Hereby Ordered That:

The licensee pay civil penalties in the total amount of Two Thousand Five Hundred Dollars within thirty days of the date of this Order, by check, draft, or money order, payable to the Treasurer of the United States, and mailed to the Director, Office of Inspection and Enforcement, USNRC, Washington, DC 20555.

V

The licensee may, within thirty days of the date of this Order, request a hearing. A request for hearing shall be addressed to the Director, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission,

Washington, DC 20555. A copy of any request for hearing shall also be sent to the Executive Legal Director, at the same address. If a hearing is requested, the Commission will issue an Order designating the time and place of hearing. Upon failure of the licensee to request a hearing within thirty days of the date of this Order, the provisions of this Order shall be effective without further proceedings, and if payment has not been made by that time, the matter may be referred to the Attorney General for collection.

In the event the licensee requests a hearing as provided above, the issues to be considered at such hearing shall be:

- Whether the licensee violated NRC requirements as set forth in the Notice of Violation and Proposed Imposition of Civil Penalties, referenced above, and
- Whether, on the basis of such violations, this Order should be sustained.

Dated at Bethesda, Maryland, the 20th day of March 1986.

For The Nuclear Regulatory Commission.
James M. Taylor,
Director, Office of Inspection and Enforcement.

Appendix—Evaluation and Conclusions

The violations and associated civil penalties were identified in the Notice of Violation and Proposed Imposition of Civil Penalties dated June 14, 1985. The NRC's evaluation and conclusions regarding the licensee's response dated July 18, 1985 are as follows:

Restatement of Violations

1. License Condition 12 states, in part, that licensed material is authorized for use by, or under the supervision of, specific individuals named in the license.

Contrary to this requirement, during the periods of June 1, 1984 to November 15, 1984 and November 27, 1984 to April 17, 1985, licensed material was used by, or under the supervision of, an individual who was not named in the license.

2. License Condition 16 requires, in part, that licensed activities be conducted in accordance with statements, representations, and procedures contained in the applications received February 26, 1981, and October 22, 1981. The applications state that the licensee will follow Regulatory Guide 10.8.

a. Appendix B of Regulatory Guide 10.8 requires, in part, that the Radiation Safety Committee meet quarterly.

Contrary to this requirement, the committee conducted only two meetings during the period of April 25, 1984 to April 17, 1985.

b. Appendix D, Section 1, of Regulatory Guide 10.8 requires, in part, that survey meters be calibrated annually and records of the calibrations be maintained by the licensee.

Contrary to this requirement, a licensee's representative stated that one survey meter had not been calibrated during the period of August 1983 to February 1985, and a second

survey meter had not been calibrated during the period of August 1983 to April 17, 1985. In addition, records were not available to substantiate when any calibrations had been performed during the period February 25, 1982 to April 17, 1985.

c. Appendix D, Section 2.A, of Regulatory Guide 10.8 states, in part, that the dose calibrator be tested daily for constancy; annually for instrument accuracy; and quarterly for instrument linearity.

Contrary to these requirements, instrument constancy tests were being conducted only at 6-month intervals, and the instrument accuracy and linearity tests had not been conducted during the period of February 25, 1982 to April 17, 1985.

3. 10 CFR 35.14(e)(1)(i) requires, in part, that each sealed calibration source containing more than 100 microcuries of byproduct material shall be tested for leakage and/or contamination at 6-month intervals.

Contrary to this requirement, leakage and/or contamination tests were not conducted on a sealed calibration source containing a nominal 200 microcuries of barium-133 during the period of May 21, 1982 to April 17, 1985.

Collectively, the violations have been categorized in the aggregate as a Severity Level III problem (Supplement VI).

Cumulative Civil Penalties—\$2,500 assessed equally among the violations.

Licensee's Response to Violation 1

The licensee denies that from June 1, 1984 to November 15, 1984 licensed material was used by an unauthorized user since Dr. Littleton, an authorized user, remained on staff and was available for consultation with Dr. Rocco Di Gioacchino. Further, although the licensee admits that there was no authorized user present in the hospital from November 27, 1984 to April 17, 1985, the licensee's response indicates that in a letter to the NRC dated November 29, 1984 the hospital administrator requested that Dr. Di Gioacchino be added to the license as an authorized user. The licensee asserts that because its request to add another authorized user was not responded to until February 26, 1985, NRC acquiesced in the operation of the Nuclear Medicine Department during this period.

The licensee requests mitigation of the proposed civil penalty based on its identification and reporting of the incident. This assertion is based on the amendment application submitted by the licensee on November 29, 1984 requesting that Dr. Di Gioacchino be listed as an authorized user of the license. The licensee also requests mitigation of the penalty on the basis of its corrective actions.

NRC's Evaluation

During the period June 1, 1984 to November 15, 1984, Dr. Littleton was residing in North Carolina although he continued as a staff member of the hospital and was available for consultation with the licensee by telephone. Section 4, Item 4, of Regulatory Guide 10.8, "Guide for the Preparation of Applications for Medical Programs," states that "supervision" includes periodic review of the work of those supervised and assurance that

proper medical records are made of each use. Also, as stated in the Regulatory Guide, the physician-user is to be responsible for the prescription of the radio-pharmaceutical and amount of dose to be administered, the determination of the route of administration and the interpretation of the results of each procedure. Implicit in the concept of supervision is the necessity that the supervisor or authorized user be available at the site of the authorized licensed activities. Dr. Littleton, however, was available only by telephone from a remote location. Therefore, the NRC does not consider his "supervision" to be within the meaning of Regulatory Guide 10.8 or to meet the requirements of License Condition 12.

The NRC reviewed the licensee's November 29, 1984 request to add Dr. Di Gioacchino as an authorized user and telephoned the hospital administrator regarding the results of the review on December 20, 1984. During that conversation, the administrator was informed that based on the information provided, Dr. Di Gioacchino did not qualify as an authorized user. Telephone contact was used in this case to provide immediate notification to the licensee that additional information would be required to qualify Dr. Di Gioacchino as an authorized user. Thus, as of December 20, 1984, the licensee was placed on notice that NRC did not consider Dr. Di Gioacchino qualified to be an authorized user of radioactive material. When a response from the licensee was not received, the NRC attempted to contact the licensee on January 21, 1985 and again on February 4, 1985. On February 11, 1985 Dr. Di Gioacchino submitted additional information to the NRC. However, the information was still considered insufficient by NRC. Accordingly, NRC issued a letter dated February 26, 1985 formally describing the deficiencies in the license amendment application as supplemented. The NRC's February 26, 1985 letter was sent only after the previous attempts to contact the licensee proved unsuccessful. At no time was Dr. Di Gioacchino considered by the NRC to have met the criteria for an authorized user, and NRC adequately notified the licensee of this conclusion. NRC did not acquiesce in the operation of the Nuclear Medicine Department without an authorized user. The filing of an amendment request does not itself expand a licensee's privileges under the license or authorize a licensee to conduct activities that are not already permitted under the license. Instead of identifying and reporting a violation to the NRC as the licensee argues, the licensee conducted licensed activities without an approved user in violation of its license.

As to the licensee's assertion concerning corrective actions, engaging the services of another physician who is currently licensed with the NRC amounts to no more than providing a means to continue its operations under its current license. For mitigation to be warranted the corrective actions must be unusually prompt and extensive. The NRC

does not consider the licensee's action to be either extensive or particularly prompt.

Licensee's Response to Violations 2 and 3

The licensee admits that these violations occurred, but argues for mitigation on the basis of unfamiliarity with the requirements, good prior performance, and prompt corrective action.

NRC's Response

The licensee's argument that it was unfamiliar with the conditions of its license is unpersuasive. The requirements which form the basis of violation 2 were originally proposed by the licensee in its license application. The acceptance of a license carries with it a responsibility to be sufficiently familiar with all aspects of the license and NRC regulations to appropriately implement licensed activities.

With regard to the licensee's assertion of prior good performance, the failure to conduct quarterly Radiation Safety Committee meetings was identified previously during an inspection conducted on October 14, 1981. Violation 3 also represents a repetitive violation from the 1981 inspection. Therefore, no mitigation is warranted because of the licensee's apparent failure to implement previous corrective actions.

Mitigation on the basis of prompt corrective action is not warranted. The representation that Dr. Fenelon will ensure that future Radiation Safety Committee meetings are held in accordance with the commitments of the license is not an extensive corrective action. This commitment merely implements a license requirement and is no more than NRC would expect from the licensee. In addition, engaging the services of Dr. Wimmer will simply ensure that survey instruments and the dose calibrator are maintained in a state of functional accuracy. Again, this commitment by the licensee is no more than NRC would expect.

Licensee Request for Mitigation: Ability to Pay

The licensee requests mitigation of the civil penalties based on the economic impact that such penalties would have on hospital operations. Specifically, the licensee asserts that the hospital operates in a small rural community in northeastern Montana, and because it only performs diagnostic work as a service to other small hospitals, it is a break-even operation. As support for its assertion the licensee provided figures for "total costs" and "gross revenue" over the past three years for the Nuclear Medicine Department.

NRC Response

The licensee states that its Nuclear Medicine Department suffered a net income loss of approximately \$3,000 over the 1982-1984 time period. Consequently, the licensee argues that the proposed civil penalties should be reduced to zero. This argument is unpersuasive for two reasons. First, the hospital is the licensee not the Nuclear Medicine Department and thus it is the licensee's financial condition that is

relevant. Second, after a review of financial information for the hospital as a whole contained in the licensee's February 20, 1986 response, the NRC has determined that imposition of the civil penalties will not adversely affect continued operation of the Nuclear Medicine Department, safe operation of the hospital radiation protection program, or significantly degrade patient care. For these reasons the NRC considers imposition of the full civil penalties warranted.

Conclusions

The licensee's arguments with respect to each violation have been fully considered. The NRC concludes that the violations occurred as stated in the Notice of Violation and Proposed Imposition of Civil Penalties. Based on the financial information provided in the licensee's July 18, 1985 and February 20, 1986 responses, the NRC finds that mitigation of the civil penalties is not warranted. Therefore, the NRC concludes that a penalty of \$2,500 should be imposed.

[FR Doc. 86-6774 Filed 3-26-86; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-206, 50-361, and 50-362]

Southern California Edison Co; San Onofre; Relocation of Local Public Document Room

Notice is hereby given that the Nuclear Regulatory Commission (NRC) has relocated the local public document room (LPDR) for Southern California Edison Company's San Onofre Nuclear Generating Station from the San Clemente Public Library, San Clemente, to the Main Library, University of California, Irvine.

Members of the public may now inspect and copy documents and correspondence related to the licensing and operation of the San Onofre Nuclear Generating Station at the University of California, Irvine, California 92713. The Library is open on the following schedule: Monday through Thursday 7 a.m. to 12 p.m., Friday 7 a.m. to 9 p.m., Saturday 10 a.m. to 6 p.m., and Sunday 12 noon to 12 p.m.

For further information, interested parties in the area may contact the LPDR directly through Ms. Suzan Hebditch, telephone number (714) 856-7235. Parties outside the service area of the LPDR may address their requests for records to the NRC's Public Document Room, 1717 H Street, NW., Washington, DC 20555, telephone number (202) 634-3273.

Questions concerning the NRC's local public document room program or the availability of documents at the San Onofre LPDR should be addressed to Ms. Jona L. Souder, Chief, Local Public Document Room Branch, U.S. Nuclear

Regulatory Commission, Washington, DC 20555, telephone number 800-638-8081 toll-free.

Dated at Bethesda, Maryland, this 21st day of March 1986.

For the Nuclear Regulatory Commission.

Donnie H. Grimsley,

Director, Division of Rules and Records,
Office of Administration.

[FR Doc. 86-6773 Filed 3-26-86; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-259/260/296]

Tennessee Valley Authority; Withdrawal of Application for Amendment to Facility Operating Licenses

The United States Nuclear Regulatory Commission (the Commission) has granted the request of Tennessee Valley Authority (the licensee) to withdraw its February 25, 1985 application for proposed amendment to the Browns Ferry Nuclear Plant, Units 1, 2 and 3, located in Limestone County, Alabama. The proposed amendment would have revised the provisions in the Technical Specifications to delete Technical Specifications regarding Residual Heat Removal System interunit cross-tie capability. The Commission issued a Notice of Consideration of Issuance of Amendment published in the *Federal Register* on March 27, 1985 (50 FR 12164). By letter dated January 13, 1986, the licensee withdrew its application for the proposed amendment.

For further details with respect to this action, see (1) the application for amendment dated February 25, 1985; and (2) the licensee's letter dated January 13, 1986, withdrawing the application for license amendment. The above documents are available for public inspection at the Commission's Public Document Room 1717 H Street, NW., Washington, DC and at the Athens Public Library, South and Forrest, Athens, Alabama 35611.

Daniel R. Muller,

Director, BWR Project Directorate No. 2,
Division of BWR Licensing.

[FR Doc. 86-6772 Filed 3-26-86; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-382]

Louisiana Power & Light Co.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from certain testing requirements of Appendix J to 10 CFR Part 50 to

Louisiana Power & Light Company (LP&L) (the licensee) for Waterford Steam Electric Station, Unit No. 3 located at the licensee's site in St. Charles Parish, Louisiana.

Environmental Assessment

Identification of Proposed Action

The proposed action would grant an exemption from certain requirements of Appendix J to 10 CFR Part 50 for type B and C testing of certain valves, vents, drains and penetrations which maintain containment integrity at design bases accident conditions. The exemption is strictly scheduler in that it would allow an approximately eight-month extension of the two-year test interval for the above components required by Appendix J until the first refueling outage.

The Need for the Proposed Action

The licensee completed its previous type and B and C testing in April 22, 1984 in anticipation of plant licensing. However, due to a eight-month delay in licensing to December 18, 1984 coupled with a mid-cycle two-month outage for turbine repairs, the first refueling shutdown has been extended to approximately December, 1986. This would cause LP&L to exceed the two-year test interval required by Appendix J for type B and C testing of certain components.

Environmental Impact of the Proposed Action

The proposed exemption affects only the interval between the tests of certain components required to assure containment integrity. Because the operational period of these components will be shortened due to the aforementioned eight-month licensing delay and two-month turbine outage, the operational challenge to these components has been less than usually occurs in the two-year test interval. Thus, post-accident radiological releases would not differ from those determined previously and the proposed exemption does not otherwise affect facility radiological effluent or occupational exposures. With regard to potential nonradiological impacts, the proposed exemption does not affect plant nonradiological effluents and has no other environmental impact. Therefore, the Commission concludes there are no measurable radiological or nonradiological environmental impacts associated with the proposed exemption.

Alternatives to the Proposed Action

Since the Commission has concluded there is no measurable environmental

impact associated with the proposed exemption, any alternatives with equal or greater environmental impact need not be evaluated. The principal alternative to the exemption would be to require rigid compliance with the Appendix J requirements. Such action would not enhance the protection of the environment and would result in unjustified costs.

Alternative Use of Resources

This action does not involve the use of resources not considered previously in the Final Environmental Statement for Waterford Unit 3.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed exemption. Based upon the environmental assessment, the NRC staff concludes that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this proposed action, see the licensee's letters dated February 19, 1986 and February 27, 1986. These letters are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC and at the University of New Orleans Library, Louisiana Collection, Lakefront, New Orleans, Louisiana.

Dated at Bethesda, Maryland, this 21st day of March, 1986.

For The Nuclear Regulatory Commission.

George W. Knighton,

Director, PWR Project Directorate No. 7,
Division of PWR Licensing-B.

[FR Doc. 86-6771 Filed 3-26-86; 8:45 am]

BILLING CODE 7590-01-M

POSTAL RATE COMMISSION

[Docket No. MC86-2]

Third Class Mail Preparation Requirements, 1986; Prehearing Conference

March 20, 1986.

Notice is hereby given that pursuant to Presiding Officer's Notice, dated March 20, 1986, a Prehearing Conference has been scheduled in the above-referenced proceeding, to be held on April 8, 1986, at 10:00 a.m., Hearing

Room, Postal Rate Commission, 1333 H Street, NW., Suite 300, Washington, DC.
Charles L. Clapp,

Secretary.

[FR Doc. 86-6670 Filed 3-26-86; 8:45 am]

BILLING CODE 7715-01-M

[Docket No. A86-16; Order No. 682]

Academy, South Dakota 57310 (Mrs. Anna M. Gillings, Petitioner); Order Accepting Appeal and Establishing Procedural Schedule

Issued March 20, 1986.

Before Commissioners: Janet D. Steiger, Chairman; Henry R. Folsom, Vice-Chairman; John W. Crutcher; Bonnie Guiton; Patti Birge Tyson.

Docket Number: A86-16

Name of affected post office: Academy, South Dakota 57310

Name(s) of Petitioner(s): Mrs. Anna M. Gillings

Type of determination: Closing

Date of filing of initial appeal papers: March 14, 1986

Categories of issues apparently raised:

1. Effect on the community [39 U.S.C. 404(b)(2)(A)].

2. Effect on postal services [39 U.S.C. 404(b)(2)(C)].

Other legal issues may be disclosed by the record when it is filed; or conversely, the determination made by the Postal Service may be found to dispose of one or more of these issues.

In the interest of expedition within the 120-day decision schedule [39 U.S.C. 404(b)(5)] the Commission reserves the right to request of the Postal Service memoranda of law on any appropriate issue. If requested, such memoranda will be due 20 days from the issuance of the request; a copy shall be served on the Petitioner. In a brief or motion to dismiss or affirm, the Postal Service may incorporate by reference any such memorandum previously filed.

The Commission orders:

(A) The record in this appeal shall be filed on or before March 31, 1986.

(B) The Secretary shall publish this Notice and Order and Procedural Schedule in the Federal Register.

By the Commission.

Charles L. Clapp,

Secretary.

Appendix

March 14, 1986—Filing of Petition.

March 20, 1986—Notice and Order of Filing of Appeal.

April 8, 1986—Last day of filing of petitions to intervene [see 39 CFR 3001.111(b)].

April 18, 1986—Petitioner's Participant Statement or Initial Brief [see 39 CFR 3001.115 (a) and (b)].

May 8, 1986—Postal Service Answering Brief [see 39 CFR 3001.115(c)].

May 23, 1986—Petitioner's Reply Brief should petitioner choose to file one [see 39 CFR 3001.115(d)].

May 30, 1986—Deadline for motions by any party requesting oral argument. The Commission will schedule oral argument only when it is a necessary addition to the written filings [see 39 CFR 3001.116].

July 12, 1986—Expiration of 120-day decision schedule [see 39 USC 404(b)(5)].

[FR Doc. 86-667 Filed 3-26-86; 8:45 am]

BILLING CODE 7715-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC-15007; File No. 811-3268]

Managed Cash Account Trust; Application for Investment Company Deregistration

March 21, 1986.

Notice is hereby given that Managed Cash Account Trust ("Applicant") 200 Berkeley Street, Boston, MA 02116, registered under the Investment Company Act of 1940 (the "Act") as an open-end, diversified, management investment company, filed an application on March 11, 1986, for an order of the Commission, pursuant to section 8(f) of the Act, declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below, and to the Act for the applicable provisions thereof.

According to the application, Applicant was created as a Massachusetts business trust and filed Form N-1 pursuant to the Act and the Securities Act of 1933 on September 25, 1981, to register an indefinite number of shares of beneficial interest without par value. Applicant states that its registration became effective on January 18, 1982, and that the initial public offering of its common stock commenced on that date.

According to the application, on December 18, 1985, Applicant's Board of Trustees authorized its termination under its Declaration of Trust. Thereafter, Applicant's shares were either liquidated at net asset value of \$1 per share or, exchanged for shares of Massachusetts Cash Management Trust

("Trust") on a one-for-one basis.

Applicant represents that 23,185,761,330 shares of Trust were outstanding on January 31, 1986, immediately prior to termination of the Trust. Applicant further represents that at the close of business on January 31, 1986, assets held by Applicant were sold to the Trust at their fair market value in compliance with Rule 17-7 under the Act.

Applicant states that it has no assets or liabilities and no security-holders. Applicant further states that it is not a party to any current or pending litigation or administrative proceedings, and that it does not propose to engage in any business activities other than those necessary to effectuate the winding-up of its business and affairs. According to the application, Applicant filed a notice of termination with the Commonwealth of Massachusetts, effective January 31, 1986.

Notice if further given that any interested persons wishing to request a hearing on the application may, not later than April 15, 1986, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, DC 20549. A copy of the request should be served personally or by mail upon Applicant(s) at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will not be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 86-6788 Filed 3-26-86; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 35-24055; 70-7230]

Mississippi Power & Light Co.; Proposal To Issue and Sell First Mortgage Bonds and Preferred Stock

March 21, 1986.

Mississippi Power & Light Company ("MP&L"), P.O. Box 1640, Jackson, Mississippi 39215-1640, a subsidiary of Middle South Utilities, Inc., a registered holding company, has filed a declaration with this Commission pursuant to sections 6(a) and 7 of the Public Utility

Holding Company Act of 1935 ("Act"), and Rule 50 thereunder.

MP&L proposes to issue and sell up to \$115,000,000 principal amount of its First Mortgage Bonds ("New Bonds") subject to Rule 50 under the Act as modified by HCAR No. 22623. The New Bonds will be issued in one or more series from time to not later than December 31, 1987. The price, exclusive of accrued interest, to be paid to MP&L for each series of the New Bonds will be within a range of five percentage points above or below 100% of the principal amount of such series of New Bonds.

The New Bonds are to be issued under MP&L's Mortgage and Deed of Trust, dated as of September 1, 1944, as supplemented and to be further supplemented. Each series of the New Bonds will mature within five to thirty years. None of the New Bonds of a particular series will be redeemed for a period of either four or five years, depending upon the term of that series, at a regular redemption price if such redemption is for the purpose or in anticipation of refunding such bond through the use, directly or indirectly, of funds borrowed by MP&L at an effective interest cost to it of less than the effective interest cost to it of such series of New Bonds.

MP&L also proposes to establish one or more New series of its Preferred Stock, Cumulative, \$100 par value, which shall consist in the aggregate of not more than 350,000 shares ("New Preferred Stock"), and to issue and sell, in one or more sales from time to time not later than December 31, 1987, the New Preferred Stock, subject to Rule 50 under the Act as modified by HCAR No. 22623. MP&L may include provisions for an adjustable dividend rate for one or more series of the new Preferred Stock.

The price to be paid to MP&L for each series of the New Preferred Stock will be not less than \$100 nor more than \$102.75 per share, plus accrued dividends, if any. The terms of each series of the New Preferred Stock will include a prohibition for five years against redeeming any shares of such series, directly or indirectly, with funds derived from the issuance of debt securities at a lower effective interest cost or from the issuance of other stock, which ranks prior to or on a parity with such series as to dividends or assets, at a lower effective dividend cost.

MP&L may include provisions for a sinking fund for any series of the New Preferred Stock designed to redeem annually, commencing a special period of time after initial issuance, at \$100 per share plus accumulated dividends, a number of shares equal to a specified percentage of the total number of shares

of such series, with MP&L possibly having a noncumulative option to redeem annually an additional number of shares up to a specified percentage of the total number of shares of such series.

MP&L use the proceeds for the financing of the costs associated with MP&L's rate moderation plan as ordered by the Mississippi Public Service Commission in connection with MP&L's allocated portion of capacity and energy from Unit No. 1 of Middle South Energy, Inc.'s Grand Gulf Nuclear Electric Generating Station, its construction program and other corporate purposes.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by April 14, 1986, to the Secretary, Securities and Exchange Commission, Washington, DC 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as filed or as it may be amended, may be permitted to become effective.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

John Wheeler,
Secretary.

[FR Doc. 86-6789 Filed 3-26-86; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-23041; File No. SR-NYSE-86-8]

Self-Regulatory Organizations; New York Stock Exchange, Inc.; Order Granting Accelerated Effectiveness of Proposed Rule Change

March 20, 1986.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on February 5, 1986 the New York Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to

solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is proposing to amend its Rules 704 and 705 to establish a control-based system of aggregating options positions for the purpose of determining compliance with options position and exercise limits. The proposed system establishes "control" rather than "ownership" as the determinative factor for aggregation of accounts. The Exchange proposes to define "control" as the power to make investment decisions for an account or accounts, or to materially influence directly or indirectly the actions of any person who makes investment decisions. In either of these circumstances, control would be deemed to exist, and positions would be aggregated for purposes of position and exercise limits. In addition, control would be presumed to exist under certain circumstances indicative of interdependence between accounts. The presumption of control, however, would be rebuttable by a person or entity who could show good cause for nonaggregation. This approach permits the Exchange to engage in case-by-case consideration regarding the application of the proposed rule.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

The Exchange is proposing to amend its rules governing the aggregation of options positions and exercises among different accounts. Currently, Rules 704 and 705 require the aggregation of positions and exercises in accounts under common ownership or control, or accounts acting in concert with each other. This policy has led to

circumstances where the option positions and exercises in accounts of commonly owned, but separately run companies or institutions are aggregated with each other. For example, a securities firm's proprietary account would be aggregated with the firm's institutional fund account and with the hedge account of the firm's insurance subsidiary, even though all three accounts make completely independent investment decisions.

The Securities and Exchange Commission has worked with the American Stock Exchange ("Amex") and the Chicago Board Options Exchange ("CBOE") on this problem. Based on suggestions from the SEC staff, the Amex and CBOE have developed a common regulatory approach and an implementing rule change. (See Securities Exchange Act of 1934 Release No. 22550 (October 21, 1985) 50 FR 43824 (October 29, 1985) and No. 22695 (December 9, 1985) 50 FR 50976 (December 13, 1985).) The Exchange is adopting the same approach and substantially identical rule text. The Exchange has agreed with the other options self-regulatory organizations to coordinate the review process for those persons or entities who are members of more than one options SRO. This coordinated review will prevent members from receiving conflicting opinions on aggregation of accounts.

As noted, mere common ownership now requires aggregation. The new approach, while still considering ownership as a factor, emphasizes control over the investment decisions of an account as the determinative criteria. "Control" is defined as the power or ability to make investment decisions or materially influence directly or indirectly the person who does make an account's investment decisions. The rule also specifically describes some circumstances when control will be presumed. These presumptions of control can be rebutted on a case-by-case basis through a demonstration that, in actuality, control over the accounts is held by separate persons or entities.

The Exchange's Market Surveillance Division will review the evidence submitted by the member firm to determine if such control exists between two or more accounts, considering the factors listed in Supplementary material .50 and other relevant factors.

The statutory basis of the proposed rule change is section 6(b)(5) of the Securities Exchange Act of 1934 (the "Act"), in particular, its requirement that the rules of a national securities exchange promote just and equitable principles of trade, protect investors and the public interest, and are not designed

to permit unfair discrimination between customers, issuers, brokers or dealers.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes the proposed rule change does not impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Comments have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange requests that the proposed rule change be given accelerated effectiveness pursuant to section 19(b)(2) of the Act because the change is substantially identical to rule changes of the Amex, CBOE and PHLX already approved by the Commission. Accelerated effectiveness will ensure uniform regulatory procedures, thereby increasing member firm efficiency.

The Commission finds that the proposed rule change is consistent with the requirements of the 1934 Act and the rules and regulations thereunder applicable to a national securities exchange, and in particular, the requirements of section 6 and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof because the proposed rule change is substantially identical to the AMEX, CBOE and PHLX proposals which were noticed and approved by the commission in securities Exchange Act Release Nos. 22550, October 22, 1985, 50 FR 43824, October 29, 1985 and 22695, December 9, 1985, 50 FR 50976, December 13, 1985, respectively. Accordingly, the Commission finds that additional notice of the NYSE proposed rule change is unnecessary.

IV. Solicitation Of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the commission, and all written communications relating to the proposed rule change between the Commission

and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552 will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by April 17, 1986.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 86-6786 Filed 3-26-86; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-23040; File No. SR-NYSE-10]

Self-Regulatory Organizations; Proposed Rule Change by New York Stock Exchange, Inc., Relating to Adoption of Forms of Escrow Receipts for Broad-Based Stock Index Options

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on February 18, 1986, the New York Stock Exchange, Inc., filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The New York Stock Exchange, Inc. (the "Exchange") proposes to issue forms of broad-based stock index option escrow receipts for use in connection with the margin requirements of rule 431(d)(2)(H)(iv).¹

II. Self-Regulatory Organization's Statement of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item

¹ Copies of the proposed escrow receipts are available at the places specified in Section IV below.

IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of, and Statutory Basis for, the Proposed Rule Change

The purpose of this proposal is to provide forms of escrow receipts that customers of Exchange members or member organizations may use to cover short positions in broad-based stock index options, in lieu of a margin deposit, in accordance with Rule 431(d)(2)(H)(iv), which sets forth the Exchange's requirements for such escrow receipts.

On August 13, 1985, the Securities and Exchange Commission (the "Commission") approved a change to Rule 431(d)(2)(H)(iv), for a one year pilot period, to permit the use of cash, cash equivalents, or one or more qualified securities (as defined under that provision) as collateral for escrow receipts issued against short call positions in broad-based stock index options. (Securities Exchange Act Release No. 22323.) Currently, the only forms of such broad-based stock index option escrow receipts deemed acceptable by the Commission, and the Exchange, are the form issued by the Options Clearing Corporation (the "OCC"), which was approved by the Commission simultaneously with approval of the amendment of Rule 431(d)(2)(H)(iv), and any form containing terms and conditions substantively identical to those of the OCC form. In particular, for a form of broad-based stock index call option escrow receipt to be deemed acceptable, it must provide that:

1. If the collateral value falls below 55% of the aggregate current index value the bank or trust company issuing the escrow receipt must notify the customer of such fact and promptly obtain additional collateral from the customer, and

2. If the collateral falls below 50% of the aggregate current index value, the bank or trust company issuing the escrow receipt must immediately notify the member or member organization and OCC of that fact.

The Commission has indicated that any exchange seeking to issue a form of broad-based stock index call option escrow receipt substantively different from that issued by OCC would have to seek Commission authorization pursuant to section 19(b) of the Securities Exchange Act of 1934 (the "Act"). (Securities Exchange Act Release No. 22323, n. 20.)

Since the Exchange's proposed form of broad-based stock index call option escrow receipt is not substantively identical to the OCC form in that it does not impose the monitoring and notification requirements specified above, the Exchange is submitting the form for Commission approval pursuant to Rule 19b-4 under the Act. The Exchange, however, believes that its proposed form adequately addresses the concerns of the Commission (as expressed in connection with the approval of the above described amendment of Rule 431(d)(2)(H)(iv) with respect to the sufficiency of the collateral underlying the escrow receipt. Unlike the OCC form, which requires the bank or trust company issuing the escrow receipt to pay the exercise settlement amount (i.e., the cash difference between the index value at exercise and the exercise price of the option) and all applicable commissions out of the collateral or the proceeds thereof, the Exchange's proposed form of escrow receipt requires such payment by the bank or trust company irrespective of the sufficiency of the collateral value. Banks or trust companies using the Exchange's form of escrow receipt would, therefore, have an interest to ensure that the underlying collateral will be adequate to satisfy, at all times, any payment due should the option contracts covered by the receipt be exercised. In addition, since the Exchange's form requires that the deposit fully collateralize the aggregate current index value for all option contracts covered by the escrow receipt at the time the option contracts are written, while payments against the receipt would comprise the exercise settlement amount and other applicable charges, such payment should generally be, at all times during the term of the escrow receipt, more than fully secured by the deposit.

The Exchange is proposing its form of broad-based stock index call option escrow receipt for short call positions as an alternative to the OCC form; Exchange members and member organizations would continue to be allowed to accept the OCC form of escrow receipt, or a substantively similar form, upon approval of the Exchange's proposed form. The Exchange, however, believes that the OCC form's requirement that banks and trust companies assume certain responsibilities with respect to monitoring collateral value and notifying broker/ dealers and OCC when such value falls below certain levels may discourage the use of the OCC form. Since the OCC form is the only currently acceptable form, such discouragement may undermine the purposes of

expanding the nature of the deposit allowable for escrow receipts against short calls on broad-based stock index option escrow receipts, i.e., increasing flexibility (by allowing customers to deposit a broad range of instruments as collateral) and reducing inhibitions on the use of index options for hedging strategies. The Exchange's proposed form would provide an alternative to the OCC form of stock index option escrow receipt for banks and trust companies that are unable or unwilling to undertake that form's monitoring and notification responsibilities while ensuring that payment of the settlement amount will be made upon exercise of the option contracts covered by the escrow receipt.

The Exchange is also proposing a form of escrow receipt for short put positions in broad-based stock index options. Since Rule 431(d)(2)(H)(iv) provides that the collateral for such receipts may only comprise cash or cash equivalents, and not securities, the use of this receipt would not raise the concerns associated with the use of the escrow receipt for short call positions indicated above. In other respects, the form is substantially similar to the form for short call positions.

The proposal is consistent with the requirements of the Act in that it is designed to protect investors and the public interest, in accordance with section 6(b)(5) of the Act, by ensuring that the Exchange's margin requirements adequately reflect regulatory and credit/risk concerns and by facilitating securities transactions and fostering participation in the index option markets. In addition, the proposal is consistent with section 7(a) of the Act, and the rules and regulations of the Board of Governors of the Federal Reserve System promulgated pursuant to that provision, in that it is designed for the purpose of preventing the excessive use of credit for the purchase or carrying of securities.

(B) Self-Regulatory Organization's Statement on Burden on Competition

This proposal does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on this proposal.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by April 17, 1986.

Dated: March 20, 1986.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

John Wheeler,
Secretary.

[FR Doc. 86-6787 Filed 3-26-86; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirement Submitted to OMB for Review

Dated: March 20, 1986.

The Department of Treasury has submitted the following public information collection requirement to

OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of this submission may be obtained by calling the Treasury Bureau Clearance Officer listed.

Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Room 7221, 1201 Constitution Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545-0731

Form Number: None

Type of Review: Extension

Title: Certain Elections Under the Subchapter S. Revision Act of 1982 (LR-1-83 NPRM; LR-259-82 Temp. Reg.)

OMB Number: 1545-0732

Form Number: LR 236-81 NPRM

Type of Review: Extension

Title: Credit for Increasing Research Activity

OMB Number: 1545-0725

Form Number: None

Type of Review: Extension

Title: Manufacturers and Retailers Excise Taxes on the Sale and Use of Petroleum Products (Gasoline and Lubricating Oil) LR-2117 (117-72) Final

OMB Number: 1545-0022

Form Number: 712

Type of Review: Extension

Title: Life Insurance Statement

OMB Number: 1545-0746

Form Number: None

Type of Review: New

Title: Foreign Tax Credit (LR-100-78 Final)

OMB Number: 1545-0735

Form Number: None

Type of Review: Extension

Title: Amortization of Reforestation Expenditures (LR 189-80)

OMB Number: 1545-0112

Form Number: 1099-INT

Type of Review: Extension

Title: Statement of Recipients of Interest Income

OMB Number: 1545-0260

Form Number: 706-CE

Type of Review: Extension

Title: Certification of Payment of Foreign Death Tax

OMB Number: New

Form Number: None

Type of Review: New Collection

Title: Background Survey Questionnaire

Clearance Officer: Garrick Shear (202)

566-6150, Room 5571, 1111

Constitution Avenue, NW.,

Washington, DC 20224

OMB Reviewer: Robert Neal (202) 395-6880, Office of Management and

Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503

Office of the Secretary

OMB Number: New

Form Number: TDF 90-22.29

Type of Review: New Collection

Title: Libyan Sanctions Regulations

Clearance Officer: Joseph Maty (202)

535-6020, Office of the Secretary,

Room 7221, ICC Building, 1201

Constitution Avenue, NW.,

Washington, DC 20220

OMB Reviewer: Robert Neal (202) 395-

6880, Office of Management and

Budget, Room 3208, New Executive

Office Building, Washington, D.C.

20503

John Poore,

Departmental Reports Management Office.

[FR Doc. 86-6791 Filed 3-26-86; 8:45am]

BILLING CODE 4810-25-M

Public Information Collection

Requirement Submitted to OMB for Review

Date: March 21, 1986.

The Department of Treasury has submitted the following public information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of this submission may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Room 7221, 1201 Constitution Avenue, NW., Washington, DC 20220.

Bureau of Alcohol, Tobacco and Firearms

OMB Number: 1512-0059

Form Number: ATF F 5120.29 (698

Supplemental)

Type of Review: Extension

Title: Bonded Wineries Formula and

Process for Wine and General

Applications, Letterhead Application

Notices—Relating to Operations

OMB Number: 1512-0116

Form Number: ATF F 5220.11 (2145)

Type of Review: Extension

Title: Notice of Release of Cigars,

Cigarettes, Cigarette Papers or

Cigarette Tubes

OMB Number: 1512-0117

Form Number: ATF F 5620.7 (2147)

Type of Review: Extension

Title: Claim for Drawback of Tax on

Cigars, Cigarettes, Cigarette Papers

and Cigarette Tubes

OMB Number: 1512-0118

Form Number: ATF F 2148 (5200.17)
 Type of Review: Extension
 Title: Bond—Drawback Of Tax on
 Cigars, Cigarettes, or Cigarette Papers
 or Tubes
 OMB Number: 1512-0144
 Form Number: ATF F 5100.12 (2736)
 Type of Review: Extension
 Title: Specific Transportation Bond—
 Distilled Spirits or Wines Withdrawn
 for Transportation to Manufacturing
 Bonded Warehouse Class Six
 OMB Number: 1512-0167
 Form Number: ATF F 3072 (5210.14)
 Type of Review: Extension
 Title: Transportation in Bond and Notice
 of Release of Puerto Rican Cigars,
 Cigarettes, Cigarette Papers or Tubes
 OMB Number: 1512-0178
 Form Number: ATF F 4483 (5300.5)
 Type of Review: Extension
 Title: Report of Firearms Transactions
 Clearance Officer: Robert G. Masarsky
 (202) 566-7641, Bureau of Alcohol,
 Tobacco, and Firearms, Room 7202,
 Federal Building, 1200 Pennsylvania
 Avenue, NW., Washington, DC 20226
 OMB Reviewer: Milo Sunderhauf (202)
 395-6880, Office of Management and
 Budget, Room 3208, New Executive
 Office Building, Washington, DC 20503

John Poore,

Departmental Reports Management Office.

[FR Doc. 86-6792 Filed 3-26-86; 8:45 am]

BILLING CODE 4810-25-M

Public Information Collection Requirement Submitted to OMB for Review

Date: March 21, 1986.

The Department of Treasury has submitted the following public information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of this submission may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Room 7221, 1201 Constitution Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545-0736
 Form Number: None
 Type of Review: Extension
 Title: Accounting for Long-Term
 Contracts (LR-274-81) Final
 OMB Number: 1554-0723
 Form Number: None
 Type of Review: Extension
 Title: Manufacturers Excise Taxes on
 Sporting Goods and Firearms and

Other Administrative Provisions of
 Special Application to Manufacturers
 and Retailers Excise Taxes
 OMB Number: 1545-0728
 Form Number: None
 Type of Review: Extension
 Title: Special Limitation Period for
 Federally Registered Partnerships (LR
 204-78)
 OMB Number: 1545-0065
 Form Number: 4070, 4070PR, 4070-A,
 and 4070-PR
 Type of Review: Extension
 Title: Employee's Report of Tips to
 Employer, Informe at Patrono de
 Propinas Recibidas por el Empleado,
 Employee's Daily Record of Tips,
 Registro Diario de Propinas Recibidas
 por el Empleado
 Clearance Officer: Garrick Shear (202)
 566-6150, Room 5571, 1111
 Constitution Avenue, NW.,
 Washington, D.C. 20224
 OMB Reviewer: Robert Neal, Office of
 Management and Budget, Room 3208,
 New Executive Office Building,
 Washington, D.C. 20503

Bureau of Alcohol, Tobacco and Firearms

OMB Number: 1512-0142
 Form Number: ATF F 2734 (5100.25)
 Type of Review: Extension
 Title: Specific Export Bond-Distilled
 Spirits or Wine
 OMB Number: 1512-0034
 Form Number: ATF F 5000.9
 Type of Review: Extension
 Title: Personnel Questionnaire Alcohol
 and Tobacco Products
 OMB Number: 1512-0119
 Form Number: ATF F 2149/2150
 (5200.14)
 Type of Review: Extension
 Title: Notice of Removal of Cigars,
 Cigarettes, Cigarette Papers or
 Cigarette Tubes
 OMB Number: 1512-0089
 Form Number: ATF F 5100.24 (1637)
 Type of Review: Extension
 Title: Application for a Basic Permit
 Under the Federal Alcohol
 Administration Act
 OMB Number: 1512-0095
 Form Number: ATF F 5530.5 (1678)
 Type of Review: Extension
 Title: Formula and Process for
 Nonbeverage Products
 OMB Number: 1512-0096
 Form Number: ATF F 5130.12 (1689)
 Type of Review: Extension
 Title: Beer for Exportation
 OMB Number: 1512-0112
 Form Number: ATF F 2105 (5000.7)
 Type of Review: Extension
 Title: Extension of Coverage of Bond
 OMB Number: 1512-0082

Form Number: ATF F 5120.24 (1582-A)
 Type of Review: Extension
 Title: Drawback on Wine Exported
 OMB Number: 1512-0033
 Form Number: ATF F 1534-A (5000.19)
 Type of Review: Extension
 Title: Tax Authorization Information
 OMB Number: 1512-0209
 Form Number: ATF F 5110.50
 Type of Review: Revision
 Title: Tax Deferred Bond—Distilled
 Spirits
 OMB Number: 1512-0035
 Form Number: ATF F 5000.21
 Type of Review: Extension
 Title: Referral of Information
 OMB Number: 1512-0061
 Form Number: ATF F 5120.23 (703)
 Type of Review: Extension
 Title: Transfer of Wine-in-Bond
 (Supplemental)
 Clearance Officer: Robert G. Masarsky
 (202) 566-7641, Bureau of Alcohol,
 Tobacco and Firearms, Room 7202,
 Federal Building, 1200 Pennsylvania
 Avenue, NW. Washington, DC 20226
 OMB Reviewer: Milo Sunderhauf (202)
 395-6880 Office of Management and
 Budget Room 3208, New Executive
 Office Building Washington, DC 20503

John Poore

Departmental Reports Management Office.

[FR. 86-6793 Filed 3-26-86; 8:45 am]

BILLING CODE 4810-25-M

Public Information Collection Requirement Submitted to OMB for Review

Dated: March 24, 1986.

The Department of Treasury has submitted the following public information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of this submission may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Room 7221, 1201 Constitution Avenue, NW., Washington, DC 20220.

Alcohol, Tobacco and Firearms

OMB No. 1512-0156
 Form No. ATF F 2987 (5210.8)
 Type of Review: Extension
 Title: Computation of Tax and
 Agreements to Pay Tax on Puerto
 Rican Cigars and Cigarettes
 Clearance Officer: Robert G. Masarsky,
 (202) 566-7641, Bureau of Alcohol,
 Tobacco and Firearms, Room 7202,

Federal Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20226
OMB Reviewer: Milo Sunderhauf, (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503

Comptroller of the Currency

OMB No. 1557-0149

Form No. None

Type of Review: Revision

Title: OCC Salary Survey of National Banks

Clearance Officer: Eric Thompson, Comptroller of the Currency, 5th Floor, L'Enfant Plaza, Washington, DC 20219

OMB Reviewer: Robert Neal, (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503

U.S. Customs Service

OMB No. 1515-0056

Form No. CF 19

Type of Review: Extension

Title: Protest

Clearance Officer: Vince Olive, (202) 566-9181, U.S. Customs Service, Room 6321, 1301 Constitution Avenue, NW., Washington, DC 20229

OMB Reviewer: Milo Sunderhauf, (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503

Internal Revenue Service

OMB No. 1545-0887

Form No. IRS Form 8281

Type of Review: Revision

Title: Original Issue Discount and Imputed Interest Reporting Requirements

Clearance Officer: Garrick Shear, (202) 566-6150, Room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224

OMB Reviewer: Robert Neal, (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503

[FR Doc. 86-6794 Filed 3-26-86; 8:45]

BILLING CODE 4810-25-M

Office of the Secretary

[Supplement to Dept. Circ.—Public Debt Series—No. 12-86]

Treasury Notes, Series X-1988

Washington, March 20, 1986.

The Secretary announced on March 19, 1986, that the interest rate on the notes designated Series X-1988, described in Department Circular—Public Debt Series—No. 12-86 dated March 13, 1986, will be 7½ percent.

Interest on the notes will be payable at the rate of 7½ percent per annum.

John Kilcoyne,

Acting Fiscal Assistant Secretary.

[FR Doc. 86-6704 Filed 3-26-86; 8:45 am]

BILLING CODE 4810-40-M

UNITED STATES INFORMATION AGENCY

Reporting and Information Collection Requirements Under OMB Review

AGENCY: United States Information Agency.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed or established reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the Federal Register notifying the public that such a submission has been made. USIA is requesting approval of information collection activities in support of the evaluation of the Central American Program of Undergraduate Scholarships (CAMPUS).

DATE: Comments must be received by April 10, 1986. If you intend to comment but cannot before the deadline, please advise the OMB Reviewer and the Agency Clearance Officer promptly.

Copies: Copies of the request for clearance (SF-83), supporting statement, instructions, transmittal letter and other documents submitted to OMB for review may be obtained from the USIA Clearance Officer. Comments on the items listed should be submitted to the Office of Information and Regulatory Affairs of OMB, Attention Desk Officer for USIA.

FOR FURTHER INFORMATION CONTACT: Agency Clearance Officer, Charles N. Canestro, United States Information Agency, M/M, 301 Fourth Street SW., Washington, DC 20547, telephone (202) 485-8676. And OMB review: Mr. Bruce McConnell, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, telephone (202) 395-3785.

SUPPLEMENTARY INFORMATION: Title: Evaluation of CAMPUS Program. Abstract: In the interest of sound program administration, USIA is evaluating the CAMPUS Program with the assistance of a contractor, Development Associates, Inc. Toward this end, Development Associates will conduct interviews at the twelve participating colleges and universities. Interview subjects are CAMPUS students, program administrators, foreign student advisors, and

participating English language and academic instructors on each of the twelve campuses.

Dated: March 24, 1986.

Charles N. Canestro,

Federal Register Liaison.

[FR Doc. 86-6768 Filed 3-26-86; 8:45 am]

BILLING CODE 8230-01-M

Meeting of USIA Television Telecommunication Advisory Committee

The second meeting of the USIA Television Telecommunications Advisory Committee will be held from 10:00 a.m. to 12:00 noon on April 8, 1986, in Room 840, USIA Building, 301 Fourth Street, SW., Washington, DC.

Members of the public who wish to attend this meeting are requested to make prior arrangements as access to the USIA Building is controlled.

Please call Ms. Patricia Gribben on (202) 485-8889 for further information.

Dated: March 24, 1986.

Charles N. Canestro,

Federal Register Liaison.

[FR Doc. 86-6767 Filed 3-26-86; 8:45 am]

BILLING CODE 8230-01-M

VETERANS ADMINISTRATION

Fort Snelling National Cemetery, Minnesota, Administration and Service Buildings; Finding of No Significant Impact

It is the intent of the Veterans Administration (VA) to remodel an existing lodge and administration building plus construct a new service building, two committal shelters, including roadways, landscaping, and utilities pending the availability of budgetary resources, and administration approval.

There are no anticipated long-term environmental impacts associated with this project. Short-term impacts associated with the construction process will affect air quality, hydrology, water quality, noise, and solid waste disposal.

The VA will adhere to all applicable Federal, State, and local environmental regulations during construction and operation of this project.

The significance of the identified impacts has been evaluated relative to considerations of both context and intensity as defined by the Council on Environmental Quality (Title 40 CFR 1508.27).

An Environmental Assessment has been performed in accordance with the requirements of the National

Environmental Policy Act Regulations, Sections 1501.3 and 1508.9. A "Finding of No Significant Impact" has been reached based upon the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Director, Office of Environmental Affairs (088A), Room 512, Veterans Administration, 811 Vermont Avenue, NW., Washington, DC 20420, (202) 389-3717. Questions or requests for single copies of the Environmental Assessment may be addressed to the above office.

Dated: March 21, 1986.

Everett Alvarez, Jr.

Acting Administrator.

[FR Doc. 86-6758 Filed 3-26-86; 8:45 am]

BILLING CODE 8320-01-M

Veterans Administration Medical Center VAMC, Salem, VA; Outpatient Clinic Nursing Unit Addition and Alterations; Finding of No Significant Impact

It is the intent of the Veterans Administration (VA) to construct an Outpatient Clinic Nursing Unit Addition and Alterations at the VAMC, Salem, VA, pending the availability of budgetary resources and administrative approval.

The proposed project is new construction and renovation. The facility will provide a five floor addition to accommodate outpatient clinics, clinical support, nursing units, and a two floor addition on the north side of Building 2A. Renovated space in Building 2A will accommodate the emergency and evaluation area. Renovation of Buildings 2 & 7 will provide space for nursing units and clinical support. Renovated space in Building 4 will accommodate medical

media facilities dislocated by demolition of Building 6.

There is no anticipated long-term adverse environmental impacts associated with this project. Short-term impacts associated with the construction process will affect air quality, noise, and solid waste.

The VA will adhere to all applicable Federal, State, and local environmental regulations during construction and operation of this project.

The significance of the identified impacts have been evaluated relative to considerations of both context and intensity as defined by the Council on Environmental Quality (Title 40 CFR 1508.27).

An Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations 40 CFR 1501.3 and 1508.9. A "Finding of No Significant Impact" has been reached based upon the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, DC. Persons wishing to examine a copy of the document may do so at the following office: Director, Office of Environmental Affairs (088A), Room 512, Veterans Administration, 811 Vermont Avenue, NW., Washington, DC 20420, (202) 389-3717. Questions or requests for single copies of the Environmental Assessment may be addressed to the above office.

Dated: March 21, 1986.

Everett Alvarez,

Acting Administrator.

[FR Doc. 86-6757 Filed 3-26-86; 8:45 am]

BILLING CODE 8320-01-M

Station Committee on Educational Allowances; Meeting

Notice is hereby given pursuant to Section V, Review Procedure and

Hearing Rules, Station Committee on Educational Allowances that on May 8, 1986, at 2:00 p.m., the Veterans Administration Regional Office Station Committee on Educational Allowances shall at Room B10, VA Regional Office, 1400 N. Valley Mills Drive, Waco, Texas, conduct a hearing to determine whether the withdrawal of approval under the Veterans' Job Training Act for Jim's Texaco, New Boston, Texas, should remain in effect. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: March 19, 1986.

Stephen L. Lemons,

Director, VA Regional Office.

[FR Doc. 86-6723 Filed 3-26-86; 8:45 am]

BILLING CODE 8320-01-M

Station Committee on Educational Allowances; Meeting

Notice is hereby given pursuant to section V, review procedure and hearing rules, Station Committee on Educational Allowances, that on April 21, 1986, 9:00 a.m., the Houston Regional Office Station Committee on Educational Allowances shall at 2515 Murworth, Room 306, Houston, Texas conduct a hearing to determine whether approval should be reinstated to Southwest Patrol and Investigations under Pub. L. 98-77, the Emergency Veterans' Job Training Act of 1983. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Ted W. Myatt,

Director.

[FR Doc. 86-6694 Filed 3-26-86; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register

Vol. 51, No. 59

Thursday, March 27, 1986

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

Federal Deposit Insurance Corporation.....	1
Federal Energy Regulatory Commission.....	2
Federal Election Commission.....	3
Federal Mine Safety and Health Review Commission.....	4
Securities and Exchange Commission.....	5

1

FEDERAL DEPOSIT INSURANCE CORPORATION

Change in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Monday, March 24, 1986, the Corporation's Board of Directors determined, on motion of Chairman L. William Seidman, seconded by Director Irvine H. Sprague (Appointive), concurred in by Mr. Michael Patriarca, acting in the place and stead of Director Robert L. Clarke (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Application of Bank of Brady, Brady, Nebraska, an insured State nonmember bank, for consent to acquire certain assets of and assume the liability to pay certain deposits made in Maxwell Cooperative Credit Association, Maxwell, Nebraska, a noninsured institution, and for consent to establish the sole office of Maxwell Cooperative Credit Association as a branch of Bank of Brady.

By the same majority vote, the Board further determined that no earlier notice of this change in the subject matter of the meeting was practicable.

Dated: March 25, 1986.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 86-6896 Filed 3-25-86; 3:45 pm]

BILLING CODE 6714-01-M

2

FEDERAL ENERGY REGULATORY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: March 24, 1986, 51 FR 10139.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: March 26, 1986, 10:00 a.m.

CHANGE IN THE MEETING: The following docket number has been added:

Item No., Docket No., and Company

RP-3—TA85-2-33-000, El Paso Natural Gas Company

Lois D. Cashell,

Acting Secretary.

[FR Doc. 86-6861 Filed 3-25-86; 1:10 pm]

BILLING CODE 6717-02-M

3

FEDERAL ELECTION COMMISSION

"FEDERAL REGISTER" NO.: 86-5654.

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, March 20, 1986, 10:00 a.m.

CHANGE IN MEETING: The open meeting scheduled for this date was cancelled.

DATE AND TIME: Tuesday, April 1, 1986, 10:00 a.m.

PLACE: 999 E Street, NW., Washington, DC.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. 437g Audits conducted pursuant to 2 U.S.C. 437g, 438(b), and Title 26, U.S.C.

Matters concerning participation in civil actions or proceedings or arbitration Internal personnel rules and procedures or matters affecting a particular employee

DATE AND TIME: Thursday, April 3, 1986, 10:00 a.m.

PLACE: 999 E Street, NW., Washington, DC (Ninth Floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates of future meetings
Correction and approval of minutes
Routine administrative matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Information Officer, 202-376-3155.

Marjorie W. Emmons,

Secretary of the Commission.

[FR Doc. 86-6895 Filed 3-25-86; 3:03 pm]

BILLING CODE 6715-01-M

4

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

March 24, 1986.

TIME AND DATE: 2:00 p.m., Tuesday, April 1, 1986.

PLACE: Room 600, 1730 K Street, NW., Washington, DC.

STATUS: Closed, pursuant to 5 U.S.C. 552b(c)(10).

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Disciplinary Proceeding No. D 86-2. (Consideration of disciplinary referral by an administrative law judge regarding an attorney's conduct in Youghiogheny & Ohio Coal Co., Docket No. LAKE 84-98.)

CONTACT PERSON FOR MORE INFORMATION:

Jean Ellen (202) 653-5629.

Jean H. Ellen,

Agenda Clerk.

[FR Doc. 8694 Filed 3-25-86; 3:02 pm]

BILLING CODE 6735-01-M

5

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of March 31, 1986.

An open meeting will be held on Monday, March 31, 1986, at 2:00 p.m., in Room 1C30. A closed meeting will be held on Tuesday, April 1, 1986, at 10:00 a.m.

The Commissioners, Counsel to the Commissioners, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C.

552b(c) (4), (8), (9)(A) and (10) and 17 CFR 200.402(a) (4), (8), (9)(i) and (10), permit consideration of the scheduled matters at a closed meeting.

Commissioner Peters, as duty officer, voted to consider the items listed for the closed meeting in a closed session.

The subject matter of the open meeting scheduled for Monday, March 31, 1986, at 2:00 p.m., will be:

The Commission will meet with Financial Accounting Standards Board to discuss matters of mutual interest. The meeting will include discussions of the principal matters

under active consideration by the FASB. These joint sessions form a part of the Commission's active oversight of the private sector's standard-setting activities regarding financial accounting and reporting. For further information, please contact Robert Kueppers at (202) 272-2141.

The subject matter of the closed meeting scheduled for Tuesday, April 1, 1986, at 10:00 a.m., will be:

Formal order of investigation.
Settlement of injunctive action.
Institution of administrative proceeding of an enforcement nature.

Institution of injunctive actions.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Jacqueline Higgs at (202) 272-2149.

Dated: March 24, 1986.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 86-6790 Filed 3-24-86; 4:30 pm]

BILLING CODE 8010-01-M

Registered Federal Reporter

Thursday
March 27, 1986

Part II

Department of the Treasury

Comptroller of the Currency

12 CFR Part 3

Minimum Capital Ratios; Risk-Based
Capital Standards for National Banks;
Advanced Notice of Proposed
Rulemaking

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 3

[Docket No. 86-8]

Minimum Capital Ratios; Risk-Based Capital Standard for National Banks**AGENCY:** Comptroller of the Currency, Treasury.**ACTION:** Advance notice of proposed rulemaking.

SUMMARY: The Office of the Comptroller of the Currency is considering a risk-based capital standard to replace existing capital requirements for national banks. This change is intended to make the OCC's capital policy more sensitive, in a systematic fashion, to the risk exposure of individual national banks. This action will alter the basis for determining a bank's minimally acceptable level of capital; it is not anticipated that this action will increase the required level of capital at most national banks.

DATE: Comments should be received on or before June 25, 1986.

ADDRESS: Interested persons are invited to submit written comments to Docket No. 86-8, Communications Division, 5th Floor, Office of the Comptroller of the Currency, 490 L'Enfant Plaza East SW., Washington, DC 20219. Attention: Lynnette Carter. Telephone: (202) 447-1800. Comments will be available for inspection and photocopying at that address.

FOR FURTHER INFORMATION CONTACT: Stephen Cross or David Nebhut, Economic & Policy Analysis Division, Telephone: (202) 447-1924, Office of the Comptroller of the Currency, Washington, DC 20219.

SUPPLEMENTARY INFORMATION:**Background**

The Office of the Comptroller of the Currency (OCC) is considering changes in the way it computes bank capital-to-assets ratios and, thereby, assesses capital adequacy at national banks. In issuing the current Minimum Capital Ratios rule, 12 CFR Part 3, the OCC noted some of the shortcomings of a rule that does not account for differences in bank's balance sheet composition or for the presence of off-balance-sheet activities. The OCC stated its intent to study various methods of incorporating those risks into its assessments of capital adequacy. (50 FR 10207, 10214.) In advance of formally proposing a new capital regulation, which would include the establishment of a uniform minimum

risk-based capital ratio, the OCC is requesting public comments and suggestions on the general concept of a risk-based capital standard and the specific features of such a program. Parallel efforts are being undertaken by the Board of Governors of the Federal Reserve System (FRB) and the Federal Deposit Insurance Corporation (FDIC).

Under the OCC's current regulation, a bank must hold primary capital equal to at least 5.5 percent of total assets and total capital equal to at least 6.0 percent of total assets. The adequacy of that level of capital is determined through an analysis of the riskiness of a bank's operations. A bank that displays a higher-than-normal degree of risk—attributable, for example, to exposure to off-balance-sheet risks, liquidity problems, or a high level of criticized assets—may be required to hold capital in excess of the regulatory minimum. Such additional requirements are imposed on a case-by-case basis.

This proposal sets forth a systematic way of assessing the riskiness of individual bank activities for purposes of determining a bank's minimum required level of capital. The OCC believes that the proposed approach provides a valuable analytical tool in assessing the financial strength and stability of particular banks and the banking system. Furthermore, it provides explicit guidance to bankers and others regarding how adjustments to the capital-to-assets ratio would be made to determine a particular bank's minimally acceptable capital level.

The changes under consideration are fairly simple. The current minimum capital-to-assets ratio would be replaced by a minimum ratio that compares capital to risk-weighted assets and certain off-balance-sheet items. In this way, a bank's minimum required capital would be based on the risks posed by broad categories of assets and off-balance-sheet activities. Cash and Treasury securities would require less capital than commercial loans. Off-balance-sheet activities would require capital commensurate with their perceived credit risk. An adjustment to a bank's capital would be made for classified assets.

The Purpose of the Proposed Risk-Based Capital Requirements

The risk-based capital standard is intended to change the method by which the adequacy of a particular level of capital is evaluated; it is not intended to increase the required level of capital at most national banks. The standard would apply uniformly to all national banks.

The proposed approach has been developed to address a shortcoming of the existing capital-to-assets ratio standard, namely, its reliance on asset size as a proxy for the risk assumed by a bank. Except through case-by-case analyses, the current capital standard does not account for differences in the riskiness of particular assets. Moreover, it does not incorporate the risks inherent in off-balance-sheet activities, nor does it recognize differences in problem assets or liquidity.

Shortcomings of Existing System

Bank supervisors' efforts to strengthen the capital base of the banking system by increasing the minimum required capital-to-assets ratio have some unintended, although not unforeseen, effects. In some instances, a bank's reaction to a binding minimum required capital ratio may increase its risk. If the ratio of capital to assets is increased, a bank's return on assets must rise if it is to maintain the same return on equity. Restructuring its balance sheet to hold relatively more high-yielding assets, such as consumer loans, and relatively fewer lower-yielding, lower-risk assets, such as Treasury securities, and engaging in more off-balance-sheet activities are two ways a bank could increase its return on assets. Although such strategies might restore a bank's return on equity, the result would be a riskier portfolio.

There is evidence that a shift to higher yielding, but riskier, assets has been occurring in the banking system for a number of years, especially at some large banks. For example, the proportion of bank assets held in cash and government securities at banks with over \$10 billion in assets declined fairly steadily from 29 percent in 1976 to 16 percent in 1984. Although it would be incorrect to attribute the decline solely to increased regulatory capital requirements, a capital standard should be sensitive to such trends.

There is also evidence that some banks have expanded their off-balance-sheet activities. Because these activities do not entail the booking of an asset, there is no explicit regulatory capital requirement associated with them. One example of off-balance-sheet expansion is the significant growth in standby letters of credit issued by banks. For the 19 national banks with assets currently in excess of \$10 billion, standby letters of credit increased from 6.6 percent of aggregate assets at the end of 1981 to 12.0 percent of assets as of the third quarter of 1985. In absolute terms, the volume of standby letters of credit issued by those banks doubled from

\$37.8 billion to \$75.9 billion over this period.

Significant growth has also occurred in loan commitments, including those issued in connection with commercial paper and Euromarket note issuance facilities. The advent of other financial innovations, such as interest rate swaps, has also contributed to the growth in off-balance-sheet activities.

Off-balance-sheet activities are not necessarily harmful to banks; in fact, they often meet legitimate business needs. Moreover, if properly structured, some off-balance-sheet activities can reduce overall bank risk. But to the extent that they represent a potential call on a bank's resources, they require an allocation of capital.

Additionally, the current system of assessing capital adequacy may misrepresent a bank's capital strength. As currently measured, there is no explicit adjustment to primary capital for assets that bank examiners have identified as having a high potential for loss for a bank. Because these existing weaknesses have an implied claim on capital, the amount of capital available to absorb unexpected losses is lower than the reported capital figure.

Benefits of a Risk-Based Capital Requirement

By requiring different amounts of capital to be held against assets of differing risks, a risk-based capital requirement will reduce some of the distortions present in the current system. Banks will be encouraged to price their products in accordance with their inherent risks. Incentives to reduce holdings of liquid, low-risk assets will be lessened as the return on equity associated with less risk activities improves. Relatively lower capital requirements on these activities may enhance the ability of banks to compete with less highly capitalized firms.

Moreover, incorporating an explicit capital requirement for off-balance-sheet activities will remove the incentive to engage in such activities merely to avoid holding additional capital. Making explicit adjustments to the capital account for assets that have been identified as having a relatively higher probability of loss will facilitate more accurate measurement of an institution's capital strength.

The Risk-Based Capital Ratio

The OCC's proposed risk-based capital ratio compares primary capital (as defined at 12 CFR 3.2) to the sum of total assets (as defined at 12 CFR 3.2) and certain off-balance-sheet items, both of which are adjusted for risk and asset quality. Assets and certain off-

balance-sheet items are assigned to one of four broad risk categories. The risk categories range from riskless holdings of vault cash to assets with a level of risk found in a typical bank loan portfolio. The risk categories primarily reflect credit risk considerations, where credit risk is defined as the likelihood that an asset will decline in value because of a reduction in the creditworthiness of the obligor. The categorizations also reflect some sensitivity to interest rate risk.

Weights are assigned to assets and off-balance-sheet items in each of the four categories on the basis of their relative risks. The dollar value of items in each risk category is multiplied by its respective risk weight. The resulting risk-weighted figures are summed to compute an adjusted asset base. Finally, an amount reflecting problem credits is deducted from both primary capital and adjusted assets in calculating the risk-based capital ratio.

The Risk Categories

The types of assets and off-balance-sheet items in each risk category and the rationale for assigning certain items to a particular category are discussed briefly below. The weight assigned to each risk category is also indicated.

Risk Category I: Cash and Cash Equivalents (zero weight). This risk category includes assets generally considered to be riskless, such as vault cash, balances due from Federal Reserve Banks, and balances due from foreign central banks in immediately available funds. This risk category also includes "near cash" assets, such as cash items in the process of collection and transaction accounts due from federally insured U.S. depository institutions.¹ In addition, United States Treasury securities held in the investment account with original or remaining maturities of one year or less are included in this category. These items are assigned a zero weight.

Risk Category II: Money Market Risk (30 percent weight). This risk category includes assets generally considered to have a minimal risk of default and a high degree of liquidity. Included in this category are: all holdings of U.S. Treasury securities with a maturity exceeding one year; all U.S. Government agency securities, portions of loans fully guaranteed by the U.S. Government, and short-term (less than 90 days) claims on

federally insured U.S. depository institutions. Other money market instruments make up a significant portion of the remaining assets in this category, including acceptances of other U.S. banks, Fed funds sold, loans to broker/dealers secured by U.S. Treasury or agency securities, and securities purchased under agreements to resell. In addition, this risk category includes all trading account assets, which are typically marked to market on a regular basis. Finally, loan commitments, including note issuance facilities,² are included in this risk category. These items are assigned a 30-percent risk weight.

Risk Category III: Moderate Risk (60 percent weight). This risk category includes assets generally considered to have more credit and liquidity risk than Money Market Risk items, but significantly less risk than the standard commercial bank loan portfolio. Included in this category are: all state, county and municipal (SCM) securities (excluding industrial development bonds); longer-term claims (90 days or more) on federally insured U.S. depository institutions; all claims on governments and banks in industrial countries;³ holdings of acceptances of banks in industrial countries; and local currency claims on governments and banks of non-industrial countries, to the extent they are funded by local currency liabilities.⁴ Also included are loans to broker/dealers collateralized by other marketable securities (as defined by the Securities and Exchange Commission), commercial letters of credit, and standby letters of credit that are performance related, issued on a secured basis to support broker/dealers, or issued in support of SCM securities (excluding those supporting industrial development bonds). These items are assigned a 60 percent weight.

Risk Category IV: Standard Risk (100 percent weight). This risk category includes, in part, assets generally found in a typical bank loan portfolio, including commercial and industrial

² A note-issuance facility is a medium-term (5 to 7 years) commitment to help a borrower obtain short-term financing. Participating banks commit to provide funds under a revolving credit or standby arrangement if the client's notes fail to sell within a range of predetermined contractual interest rates.

³ Countries designated as industrial countries by the International Monetary Fund and the World Bank are Australia, Austria, Belgium, Canada, Denmark, Federal Republic of Germany, Finland, France, Iceland, Ireland, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Spain, Sweden, Switzerland, and United Kingdom.

⁴ "Banks" are defined to include their foreign branches and are categorized by the country under whose laws they are chartered.

¹ For purposes of this proposal, the terms U.S. banks and U.S. depository institutions refer to state and federally chartered depository institutions and include the foreign branches of these institutions. U.S. branches and agencies of foreign banks are not considered to be U.S. banks or depository institutions for purposes of the risk asset measure.

loans and leases, loans to individuals, loans secured by real estate, farm-related loans, and all claims on foreign borrowers not categorized as Moderate Risk. This risk category also includes loans to nondepository financial institutions including insurance companies, mortgage companies, finance companies and bank holding companies. This risk category also includes all corporate securities and commercial paper, industrial development bonds, and all standby letters of credit that are not included in lower risk categories. This risk group contains the bulk of banking assets, including many with significantly dissimilar risk characteristics. These items are assigned a 100 percent risk weight.

Table 1 summarizes these risk categories.

TABLE 1.—RISK CATEGORIES AND WEIGHTS

Risk categories	Weight
Cash and cash equivalents..... U.S. currency and coin and due from Federal Reserve Banks Cash items in process of collection and transaction accounts due from U.S. federally insured depository institutions Short-term U.S. Treasury securities in investment account Foreign currency and balances due from central banks in immediately available funds	0%
Money market risk..... Long-term U.S. Treasury securities held in investment account U.S. Government agency securities held in investment account Portions of loans fully guaranteed by U.S. Government Short-term claims on U.S. federally insured depository institutions Acceptances of other federally insured U.S. banks Fed funds sold Loans to brokers/dealers collateralized (with physical possession) by U.S. Treasury and agency securities and securities purchased under agreement to resell (RP's) Assets held in trading account Loan commitments (including note issuance facilities)	30%
Moderate risk..... All state, county and municipal (SCM) securities in investment account (excluding industrial development bonds) All other claims on federally insured U.S. depository institutions All claims on governments and banks of industrial countries Acceptances of banks in industrial countries Local currency claims on governments and banks of non-industrial countries ¹ Loans to broker/dealers collateralized by other marketable securities Commercial letters of credit Standby letters of credit backing Moderate Risk obligations such as SCM securities (excluding industrial development bonds), supporting broker/dealers on secured basis, or performance related	60%
Standard risk..... All assets found in a typical bank loan portfolio including: All commercial and industrial loans and leases Residential real estate and individual loans Loans to nondepository financial institutions	100%

TABLE 1.—RISK CATEGORIES AND WEIGHTS—
Continued

Risk categories	Weight
Loans sold with recourse All other claims on foreign obligors Corporate securities and commercial paper, and industrial development bonds Customers' acceptance liabilities ² All assets not included elsewhere All other standby letters of credit (net), including those backing industrial development bonds	

¹ To the extent they are funded by local currency liabilities. If not funded by local currency liabilities, such local currency claims are included in the Standard Risk category.

² Includes customers' liabilities associated with acceptance participations purchased. Acceptance participations sold are included in Money Market Risk if the purchaser is a federally insured U.S. depository institution, Moderate Risk if the purchaser is a bank in an industrial country, and Standard Risk for all other purchasers.

Adjustment for Problem Assets

In addition to an *ex ante* categorization of activities according to risk, the OCC proposes to incorporate information about a bank's problem assets into its internal assessment of the adequacy of a bank's capital level.

One approach of adjusting for problem assets would be to deduct a weighted average of classified assets from both primary capital and the risk-

adjusted asset base. For example, 100 percent of losses not yet deducted from the allowance for possible loan and lease losses (APLL), 50 percent of doubtful assets, and 10 percent of substandard assets could be deducted. An alternative approach would be to exclude the APLL from primary capital. The reasoning underlying both approaches is the same: funds allocated against identified weaknesses in a bank's loan portfolio do not provide protection against unexpected losses and, therefore, are not properly included in the capital base.

Table 2 illustrates the calculation of a risk-based capital ratio, weighting assets and off-balance-sheet items as described in Table 1 and deducting a portion of classified assets using the above weights. For purposes of assessing capital adequacy, a bank's risk-based capital ratio, adjusted for problem assets, would be compared to a minimum required risk-based capital ratio, the level of which has not yet been established.

TABLE 2.—ILLUSTRATION OF CALCULATION OF RISK-BASED CAPITAL RATIO

(Amounts in thousands of dollars)

Risk category	Amount in risk category	X Risk weight	Weighted amount
1. Risk Weighting of Assets			
Cash and cash equivalent.....	50,000	0	0
Money market.....	50,000	0.30	15,000
Moderate.....	100,000	0.60	60,000
Standard.....	300,000	1.00	300,000
Total.....	500,000		375,000
2. Risk Weighting of Off-Balance-Sheet Items			
Money market.....	50,000	0.30	15,000
Moderate.....	25,000	0.60	15,000
Standard.....	25,000	1.00	25,000
Total.....	100,000		55,000
3. Adjusted Asset Base			
Risk-weighted assets.....			375,000
Risk-weighted off-balance-sheet items.....			55,000
Total.....			430,000
4. Adjustment for Classified Assets			
Substandard (3.5 percent of assets).....	17,500	0.10	1,750
Doubtful (0.4 percent of assets).....	2,000	0.50	1,000
Loss (0.25 percent of assets).....	1,250	1.00	1,250
Total.....			4,000
5. Adjusted Asset Base After Adjustment for Classified Assets			
Adjusted asset base.....			430,000
Adjustment for classified assets.....			(4,000)
Total.....			426,000

	Amount	X	Weight	Adjustment
6. Calculation of Capital Ratios				
Primary capital	35,000			
Primary capital after adjustment for classified assets	31,000			
Total assets	500,000			
Primary capital to total assets	35,000			
Total	500,000	-	7.0%	
Risk-based capital ratio (before adjustment for classified assets)	35,000			
Total	430,000	-	8.1%	
Risk-based capital ratio (after adjustment for classified assets)	31,000			
Total	426,000	-	7.3%	

Categorization of Risks

Country Risk

The proposal draws a distinction between claims on governments and banks in industrial countries, *i.e.*, those presently designated as such by the International Monetary Fund and the World Bank, and claims on governments and banks in all other countries. This is to distinguish between differences in transfer risk, that is, the possibility that a financial obligation cannot be serviced in the currency of payment because of a lack of such currency in the country of the obligor.

In the proposal, all claims on banks and governments in industrial countries are included in the Moderate Risk category. This treatment is designed to minimize the possible distortions in credit flows in the international interbank money market that would result from substantially different capital requirements for claims on domestic and foreign banks competing alongside one another in that market. The list of industrial countries includes virtually all countries with significant international banking activities and does not include any country viewed by the market as likely to entail a meaningful degree of transfer risk. Developments in the future could warrant a modification of this designation.

Off-Balance-Sheet Activities

A deficiency in the present capital rule is its failure to account explicitly for any risk that may be posed by off-balance-sheet activities. Although examiners currently evaluate a bank's off-balance-sheet positions in their assessment of its capital adequacy, a systematic framework for such analysis is not consistently employed. Incorporating certain off-balance-sheet items into the adjusted asset base will facilitate accounting for the risks posed by such activities in a consistent fashion.

The proposal divides standby letters

of credit into two broad components. This distinction is based on the nature of the underlying credit risk and how that risk would be treated if it were on the balance sheet. Therefore, standby letters of credit that support state, county, and municipal securities are treated as Moderate Risk, and standby letters of credit that support commercial credits are treated as Standard Risk.

Standby letters of credit are treated in the same way as a direct extension of credit because it is believed that a bank assumes as much credit risk when it issues a standby letter of credit as it does when it extends a loan. That only a fraction of standby are drawn upon is analogous to the fact that only a fraction of commercial loans result in losses. Just as there is credit risk inherent in a loan that does not go bad, there is credit risk inherent in a standby letter of credit that is not drawn upon.

The proposal places two other off-balance-sheet items, loan commitments and note issuance facilities, in the Money Market Risk category. These off-balance-sheet instruments are placed in this category, rather than a higher risk category, primarily because they often retain a conditional, as well as contingent, character that may enable banks to avoid or curtail drawdowns when the likelihood of loss is high.

Issues for Comment

The OCC seeks comments on all aspects of the proposal and requests that particular attention be focused on the seven areas described below.

1. Further Categorization of Assets

The OCC seeks comments concerning whether the risk categories should be further refined. The OCC is particularly interested in how such categorizations might be made.

By grouping together a wide array of risks in the Standard Risk category, the proposed risk asset measure could contain some unintended incentives for banks to pursue riskier activities to bolster income, while possibly curtailing loans to high-quality, low-risk

borrowers. In light of this concern, consideration was given to adding a category for certain assets with significantly greater risk. These assets would be given a risk weight above 100 percent. Similarly, several types of assets included in the Standard Risk category, such as well-collateralized loans, loans to high-quality borrowers, and investment-grade corporate securities, could be included in a lower risk category. The principal benefit of a more precise distinction is that it relates capital needs more closely to a bank's riskiness. The principal drawback is the difficulty of selecting those financing activities to include in higher or lower risk categories while minimizing the potential for credit allocation.

2. Asset Concentrations

The OCC seeks comments on whether asset concentrations should be factored explicitly into the risk-based capital ratio and, if so, how this might be implemented. The proposal contemplates continuation of the current policy whereby examiners evaluate asset concentrations for purposes of assessing capital adequacy.

Financial institutions with assets concentrated in relatively narrow industrial and economic sectors are subject to substantial risk from adverse developments in those sectors. In recent years, for example, declining earnings in agriculture and in energy have contributed to an increase in problem farm and energy loans. A disproportionate share of problem and failed banks have had heavy concentrations in those industries.

While fully accounting for the risks of insufficient diversification by region or industry may not be feasible, the OCC has considered requiring banks to support insufficient asset diversification with additional capital. For example, any bank with exposure to a single industry in excess of 5 percent of assets could be subject to a capital requirement one and one-half times the minimum and any exposure in excess of 10 percent of assets might be subject to twice the minimum capital requirement.

3. Adjustment for Problem Assets

The OCC seeks comments concerning the adjustment of primary capital and the risk-adjusted asset base for problem credits. In particular, comments are sought on the relative merits of deducting from primary capital a specified portion of a bank's classified assets or, alternatively, simply excluding a bank's loan loss reserve

from primary capital. If the deduction based on classified assets is judged superior, the feasibility of using bank-reported data on classified assets should be addressed.

The calculations in Table 2 adjust for problem credits by using classified asset data because of their superiority, relative to nonperforming loan data, in portending future loan losses. If this adjustment for problem credits were adopted, the necessity of using timely classified asset data would require that all national banks maintain internal classification systems and periodically report to the OCC their estimates of classified assets between bank examinations. During examinations, examiners would continue to assess the classification systems on the basis of the accuracy of those estimates.

4. Off-Balance-Sheet Activities

(i) *Swaps, options, and foreign exchange contracts.* The OCC seeks comments concerning how best to incorporate the off-balance-sheet risk associated with securities trading, foreign exchange trading, and managing interest rate risk.

At present, the OCC does not propose incorporating off-balance-sheet items used for hedging interest rate and currency risk (specifically swaps, options and futures, and foreign exchange contracts) into the risk-based capital standard. Those contracts may reduce interest rate risk or foreign exchange risk; however, they do entail some credit risk.

(ii) *Obligations guaranteed by a standby letter of credit.* The OCC seeks comments concerning how best to identify obligations held by one bank and guaranteed by another bank in order that the amount of capital required against bank-guaranteed obligations be reduced.

In the OCC proposal, both loans and standby letters of credit backing such obligations are placed in the same risk category. When obligations held by one bank have standby-letter-of-credit backing provided by another bank, it is possible that capital would be required of both banks to support a single obligation. A similar situation may also arise with participations of acceptances and, under current regulations, with loans sold with recourse.

(iii) *Standby letters of credit.* The OCC seeks comments concerning the proper risk categorization of standby letters of credit and other off-balance-sheet credit instruments.

Commercial banks can provide credit support to a debt issuer by issuing a standby letter of credit that obligates the bank to repay the debt if the debt issuer

does not. Substitution of off-balance-sheet financing through standby letters of credit for direct lending exposes a bank to as much credit risk as a loan. Consequently the OCC proposal places standby letters of credit in risk categories on the basis of how the underlying credit risk would be treated if it were on the balance sheet.

Historically, most standby letters of credit are not drawn upon. As a result, the funding and interest rate risks associated with the issuance of standby letters of credit may be less than for fully funded commercial loans. This could argue for requiring less capital against standby letters of credit than for commercial loans. Moreover, some standby letters of credit, such as those collateralized by cash, government securities, or other marketable financial instruments, may expose a bank to less credit risk than direct loans to the same account parties and may, therefore, warrant different treatment.

(iv) *Loan commitments.* The OCC seeks comments concerning how to define loan commitments for the purpose of establishing a risk-based capital requirement.

Loan commitments are the largest single off-balance-sheet item in the banking industry, but banks currently interpret existing reporting guidelines in a variety of ways. For example, some banks report all loan commitments while others do not include any commitments that have a material adverse change clause. To facilitate comparisons across banks, present ambiguities must be eliminated. Loan commitments that a bank is effectively required to fund at the option of the borrower expose the bank to credit and funding risks and should presumably be incorporated into the denominator of the risk-based capital ratio.

5. Interest Rate Risk

The OCC seeks comments concerning how to factor interest rate risk into the assessment of capital adequacy.

Optimally, a risk-based capital standard should incorporate an assessment of a bank's exposure to interest rate risk. Measuring interest rate risk, however, is problematic because specific assets do not expose a bank to interest rate risk; interest rate risk reflects the relationship within the portfolio between the timing of payments and receipts. In light of the difficulty of accurately measuring interest rate risk, the OCC is not proposing, at this time, to systematically incorporate this risk into the risk-based capital standard.

6. Funding Risk

The OCC seeks comments concerning techniques for evaluating funding risk and systematically incorporating such considerations into the risk-based capital system.

For the purposes of establishing a supervisory capital policy, funding risk is defined as the risk that a loss in confidence in the quality of a bank's operations will raise the bank's cost of funds and/or force the bank to liquidate unexpectedly some assets in order to meet cash needs. Capital provides a twofold protection from funding risk. First, it can contribute to customer confidence in the bank, thereby alleviating the funding problems. Second, if such problems do materialize, capital is a cushion to absorb losses that might be incurred as assets are sold or a premium is paid for purchased funds.

In practice, measuring funding risk may pose a number of problems. Detailed data on the bank's liability structure, including information about the sources of its funds and on its asset liquidity would be required. Detailed information on potential claims on that liquidity would also be needed. The timeliness of those data would be particularly important, given the rapidity with which the markets are able to react to changes in the perception of a bank's creditworthiness.

7. Foreign Exchange Risk

The OCC seeks comments concerning techniques for evaluating foreign exchange risk, including how the risk-based measure could treat (i) exchange rate risk, (ii) counterparty credit risk, and (iii) futures, forwards, options, and swaps used in foreign exchange operations.

Comparison with FRB Proposal

The risk-based capital standard proposed by the OCC is, for the most part, substantively the same as a risk-based capital standard recently proposed by the FRB. Both proposals recognize that a risk-adjusted measure of capital adequacy would enhance the ability of supervisors to assess whether a bank's capital level is commensurate with its risks. The categorization and weighting of assets and off-balance-sheet activities are identical in the two proposals.

The two proposals differ only in that in determining national banks' minimum capital requirements, the OCC would replace the minimum capital-to-assets ratio with a new minimum risk-based capital ratio that would apply uniformly to all national banks. The FRB would, at least for an interim period, supplement

its existing minimum primary and total capital requirement with a risk-based capital-to-assets ratio. For banking organizations with assets in excess of \$1 billion, the FRB has proposed establishing three risk-based capital zones. For smaller organizations, the FRB would assess the adequacy of their risk-based capital ratio on a case-by-case basis.

Conclusion

The banking industry has increased its capital in recent years. The goal of the proposed risk-based capital standard is not to further increase the level of required capital for the industry. Rather, the OCC is seeking to develop a system that consistently incorporates differences in the riskiness of various bank activities in the assessment of capital adequacy. Standards that apply uniformly to all banks would be substituted for risk assessments that are now made on a case-by-case basis by bank examiners.

List of Subjects in 12 CFR Part 3

National banks, Capital.

Authority: 12 U.S.C. 1 *et seq.*, 12 U.S.C. 93a, 161, 1818; and 12 U.S.C. 3907 and 3909.

Dated: February 19, 1986.

Robert L. Clarke,

Comptroller of the Currency.

[FR Doc. 86-6737 Filed 3-26-86; 8:45 am]

BILLING CODE 4810-33-M

Reader Aids

Federal Register

Vol. 51, No. 59

Thursday, March 27, 1986

INFORMATION AND ASSISTANCE

SUBSCRIPTIONS AND ORDERS

Subscriptions (public)	202-783-3238
Problems with subscriptions	275-3054
Subscriptions (Federal agencies)	523-5240
Single copies, back copies of FR	783-3238
Magnetic tapes of FR, CFR volumes	275-1184
Public laws (Slip laws)	275-3030

PUBLICATIONS AND SERVICES

Daily Federal Register

General information, index, and finding aids	523-5227
Public inspection desk	523-5215
Corrections	523-5237
Document drafting information	523-5237
Legal staff	523-4534
Machine readable documents, specifications	523-3408

Code of Federal Regulations

General information, index, and finding aids	523-5227
Printing schedules and pricing information	523-3419

Laws	523-5230
------	----------

Presidential Documents

Executive orders and proclamations	523-5230
Public Papers of the President	523-5230
Weekly Compilation of Presidential Documents	523-5230

United States Government Manual	523-5230
---------------------------------	----------

Other Services

Library	523-4986
Privacy Act Compilation	523-4534
TDD for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, MARCH

7237-7420	3
7421-7542	4
7543-7732	5
7733-7912	6
7913-8182	7
8183-8310	10
8311-8474	11
8475-8640	12
8641-8788	13
8789-8994	14
8995-9170	17
9171-9434	18
9435-9624	19
9625-9762	20
9763-9942	21
9943-10178	24
10179-10352	25
10353-10534	26
10535-10608	27

CFR PARTS AFFECTED DURING MARCH

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR	318	9949
326	7543	7544
Proposed Rules:	414	7545
Ch. III	8328, 9215, 10213	7545, 7546
3 CFR	418	7545
Proclamations:	419	7545
5445	7421	7545
5446	7733	7545
5447	9171	7545
5448	9435	7545
5449	9947	7545
5450	10179	7545
5451	10181	7545
Executive Orders:	428	7545
386 Executive orders	431	7545
revoked by EO	432	7545
12553	7237	7545
12553	7237	7545
12554	7423	7545
12555	8475	7545
Administrative Orders:	442	8789
Memorandums:	443	8183
March 16, 1986	9437	7545
Presidential Determinations:	447	7545
No. 86-6 of	448	7545
March 13, 1986	704	8780
No. 86-7 of	713	8428
March 11, 1986	770	8428
	795	8428
	796	8428
	905	8789
	907	7245, 7547, 7913, 8789
	908	8789, 9626
	911	10535
	912	8789
	913	8789
	916	8789
	917	8789
	928	8789
	932	8789
	959	7547
	981	7741, 9763
	989	9628
	1106	7245
	1124	7742
	1136	8641
	1139	8642
	1421	8428
	1425	8428
	1427	8428
	1430	7913
	1468	9173
	1822	9174
	1872	9174
	1900	9174
	1903	9174
	1924	9174
	1927	9174
	1942	10185
	1943	9174
	1945	9174
	1951	9174
	1955	9174
4 CFR		
28	7735	
5 CFR		
Ch. XIV	9173	
293	8396	
300	8396	
335	8396	
430	8396	
431	8396	
451	8396	
531	8396	
532	8396	
551	7425	
771	8396	
890	7428	
1201	7913	
1411	7543	
1701	7543	
Proposed Rules:		
293	8422	
430	8422	
591	7799, 8686	
1501	8329	
7 CFR		
2	7543	
3	8995	
6	8998	
51	8477	
301	9625, 10183	

1962.....9174
1965.....9174

Proposed Rules:

Ch. X.....9669
1.....7799
26.....8330, 9940
235.....10214
275.....9821
276.....9821
400.....7576, 9826
908.....10217
917.....9827
925.....10218
927.....9663
930.....7578
944.....10218
979.....7279
982.....8201
989.....9968
999.....8201
1006.....7579
1051.....7282
1065.....7280
1068.....7280
1079.....7280
1131.....7579
1135.....9677
1136.....7579
1137.....7581
1230.....9602
1260.....8984
1403.....10222
1421.....9970
1435.....9760
1901.....9014
1924.....9014
1944.....9014

8 CFR

103.....8183
238.....8643
245.....7431

9 CFR

92.....7549

Proposed Rules:

1.....7950
2.....7950
3.....7950
71.....9059
166.....9682
317.....7293
318.....7283
381.....7283, 7582

10 CFR

2.....7744
40.....9763
50.....7744, 10536
51.....9763
74.....9763
150.....9763
216.....8311
430.....7549
1040.....7543
1046.....7247
1535.....7543

Proposed Rules:

0.....10393
2.....10393
30.....8842
32.....8842
50.....9829
61.....7806
70.....8842
150.....8842

430.....7582
762.....8509

12 CFR

Ch. XII.....9767
204.....9629
217.....8478, 9636
308.....8643
352.....9638
410.....7543
500.....8790
512.....8790
545.....9177
563d.....7248
563g.....8184
602.....8644
611.....8665, 10353
620.....8644
621.....8644
701.....10353

Proposed Rules:

3.....10602
227.....9684
708.....7447

13 CFR

105.....7550
115.....10362
120.....10362

14 CFR

33.....10344
39.....7249, 7250, 7432-7435,
7767, 7921, 7922, 8192,
8479, 8480, 8791, 8792,
9646, 9647, 10363, 10364,
10537
71.....7250, 7769, 8193-8195,
8284, 9648, 10365, 10539
73.....8999
75.....8195, 9000
93.....8632, 9767
97.....8793
375.....7251
1215.....7261

Proposed Rules:

Ch. I.....9458
21.....10402
36.....7878
39.....7447, 8332, 8333, 8509,
8842, 10406
71.....7284, 7448, 7950-7954,
8334, 8510, 9835, 9971,
10224-10228, 10407, 10409,
10553
73.....7284
75.....10409
91.....9432, 10553, 10555
121.....9432
135.....9432
250.....9459

15 CFR

373.....8482, 9648
374.....10365
375.....10365
376.....8482, 9648
385.....8482, 9648
801.....7770

Proposed Rules:

960.....9971

16 CFR

13.....8312-8314, 8485, 9768
306.....10186
803.....10368

1033.....7543

Proposed Rules:

Ch. II.....8686
13.....8335, 9060, 9215, 9836,
10229, 10231
424.....7811

17 CFR

200.....9769
240.....8795, 8801
250.....9001
270.....9773

Proposed Rules:

1.....7285
230.....9838

18 CFR

2.....9179
35.....7774, 8486
37.....7261
157.....9179
225.....7923
277.....7923
284.....9179
292.....8486
381.....8488
389.....8804
1302.....9649

Proposed Rules:

271.....7583

19 CFR

4.....10189
6.....8486
12.....8314
101.....9780
141.....7783
152.....7783
162.....8488
201.....7543

Proposed Rules:

134.....7285
175.....8338
213.....7955

20 CFR

10.....8276
404.....7933, 8805
416.....7436, 8805

Proposed Rules:

404.....7452, 9217
416.....9462

21 CFR

74.....7933, 9780
81.....7933
82.....7933, 9780
178.....7437, 7438, 7551
201.....8180
207.....7382
210.....7382
225.....7382
226.....7382
510.....7382, 8315
514.....7382
520.....8315, 9004
556.....9004
558.....7261, 7382, 7784, 8811,
9004, 9005, 9189

561.....9439
579.....8315
610.....10410
1308.....9440, 10190

Proposed Rules:

Ch. I.....9842

74.....9843
150.....9063
510.....8202
606.....7958, 9217
610.....7958, 9217
640.....7958, 9217
868.....8843
884.....7404

22 CFR

219.....7543
504.....10192
607.....7543
1103.....7543
1304.....7543

Proposed Rules:

7.....7958
71.....9465

23 CFR

1208.....10376

Proposed Rules:

630.....9217
658.....8511, 10234

24 CFR

16.....10195
200.....7439
201.....9785
203.....7439
207.....7439
213.....7439
220.....7439
221.....7439
231.....7439
232.....7439, 8316
235.....8316
241.....7439
242.....7439
245.....10196
511.....7439
571.....7439
800.....9786
813.....9786
900.....9786
913.....9786
965.....10196
970.....7439

Proposed Rules:

390.....9845

25 CFR**Proposed Rules:**

273.....9624

26 CFR

1.....7262, 8490, 8671, 9005,
9787, 10381, 10539
301.....7439, 9949, 9950, 10348
601.....7441
602.....7439, 8671, 9787, 10348,
10381

Proposed Rules:

1.....8339, 8517, 9978, 10024,
10411
301.....7454,
602.....7454, 8517, 9978, 10024

27 CFR

7.....7666, 8490
25.....7666, 8490, 9190, 10540
245.....7666
252.....7666, 9190

Proposed Rules:

9.....9846

24.....	8098
170.....	8098
231.....	8098
240.....	8098

28 CFR

0.....	7443
3.....	8817
8.....	8817
9a.....	8817
544.....	9614
551.....	9614

29 CFR

56.....	9440
1952.....	8819
2619.....	8821
2640.....	10300, 10314
2647.....	10300
2648.....	10314
2676.....	10322

Proposed Rules:

102.....	9467
1910.....	7584, 8844
1915.....	8844
2619.....	10335

30 CFR

216.....	8168
252.....	10381
785.....	9006
884.....	9441
886.....	9441
914.....	8823, 9006
917.....	7262, 9008
938.....	7785
948.....	9649

Proposed Rules:

202.....	7811
203.....	7811
206.....	7811
207.....	7811
210.....	7811
212.....	7811
241.....	7811
250.....	7584, 7811, 9316
256.....	9316
731.....	8466
732.....	8466
761.....	8466
772.....	8466
773.....	8466
779.....	8466
780.....	8466
783.....	8466
784.....	8466
906.....	10235
915.....	9219

31 CFR

128.....	9788
----------	------

Proposed Rules:

357.....	8846
----------	------

32 CFR

43.....	7552
199.....	10540
276.....	7552
513.....	7268, 8824
706.....	9651
807.....	8671

33 CFR

3.....	10540
80.....	7785

110.....	10197
117.....	7788
165.....	8195-8198, 9652

Proposed Rules:

100.....	7286, 9069
110.....	7287, 7288, 7812, 8687, 9069
117.....	7813, 9072, 9688
165.....	9069
166.....	7814, 7959
183.....	9689
323.....	9691
326.....	9691

34 CFR**Proposed Rules:**

280.....	8294
400.....	7908
401.....	7908
415.....	7908
668.....	8946
690.....	8946

36 CFR

1.....	8976
2.....	8976
7.....	8493
50.....	7556
211.....	9010
291.....	10382
406.....	7543
1275.....	8671

Proposed Rules:

223.....	9072
----------	------

38 CFR

17.....	8671
18.....	10383
18a.....	10383
18b.....	10383
21.....	9952-9955
36.....	7789

39 CFR

3.....	9791
111.....	8493, 9652
265.....	8824
3001.....	8827

Proposed Rules:

111.....	8857, 9220
310.....	9852
320.....	9852

40 CFR

52.....	8495, 9445, 9653, 10198, 10387, 10541
57.....	10211
58.....	9582
60.....	8673, 9190
61.....	7715, 7719, 8199, 8673, 9190
62.....	8674, 8827
65.....	7790, 9956
81.....	8828
154.....	10391
180.....	7566, 7567, 8497, 9445-9449
260.....	7722, 10146
261.....	7722, 10146
262.....	7722, 10146
263.....	10146
264.....	7722
265.....	7722
266.....	7722
270.....	7722, 10146
271.....	7540, 7722, 10146

280.....	7722
300.....	7934
468.....	7568
721.....	9450

Proposed Rules:

52.....	7959, 7960, 8203, 8517, 8518
60.....	7289, 7585, 10556
61.....	8205
81.....	7962, 7963
89.....	7292
123.....	10236
180.....	8519, 9468, 10411
260.....	7723, 7832, 8744, 9072
261.....	7455, 7723, 7815, 7832, 8206, 9076
262.....	7723, 7832, 8744, 9072, 10177
263.....	8744
264.....	7723, 7832, 9072
265.....	7723, 7832, 9072
266.....	7723
268.....	7593, 7832
270.....	7723, 7832, 9072
271.....	7723, 7832, 8744
280.....	7723
418.....	8520
467.....	9618
721.....	9221, 10024, 10027
765.....	9469
796.....	7593
797.....	7593
799.....	7593, 10557

41 CFR

101-25.....	9654
101-26.....	7571, 9654
101-43.....	8674
201-2.....	9957
201-8.....	8317, 10392
201-11.....	9957
201-23.....	9957
201-24.....	9957
201-30.....	9957
201-32.....	9957
201-33.....	9957

42 CFR

51a.....	7726
53.....	7935
124.....	7935
400.....	9792
405.....	9792
455.....	9793

Proposed Rules:

405.....	10033
412.....	8208, 8211
418.....	7292
435.....	7520
442.....	7520

43 CFR

2720.....	9655
3140.....	7275
4700.....	7410

Proposed Rules:

431.....	7833, 10237
----------	-------------

Public Land Orders:

6605 (Corrected by PLO 6614).....	9793
6614.....	9793

44 CFR

64.....	10543
67.....	9191

Proposed Rules:

67.....	9228
---------	------

45 CFR

201.....	9191
205.....	9191
206.....	9191
224.....	9440
225.....	9191
232.....	9191
233.....	9191
234.....	9191
235.....	9191
237.....	9191
801.....	9793
1175.....	7543
1181.....	7543
1706.....	7543
2001.....	8300

Proposed Rules:

1177.....	9228
-----------	------

46 CFR

42.....	9960
47.....	9960
221.....	9207
298.....	7790

Proposed Rules:

Ch. II.....	9230
252.....	8214
580.....	7295, 10034
581.....	7295, 10034

47 CFR

Ch. I.....	9794
0.....	7443
1.....	7443
31.....	8498
67.....	7445, 7942
69.....	7942, 8498, 8499, 9010
73.....	7796, 8501, 8675, 9210, 9453, 9963
74.....	9796, 9963
76.....	9963
78.....	9963
94.....	10545
97.....	7797, 9012, 10546

Proposed Rules:

Ch. I.....	9470
67.....	7462
73.....	7463-7468, 7835, 9076, 9077
76.....	8339
90.....	9853

48 CFR

508.....	8677
546.....	8678
552.....	8678
553.....	8678
1414.....	8829
1433.....	8829
1452.....	8829
2401.....	7947
2403.....	7947
2407.....	7947
2414.....	7947
2415.....	7947
2416.....	7947

Proposed Rules:

1.....	9429
31.....	7379
207.....	7295
209.....	7837
215.....	7295, 7296, 9854
234.....	7295

244.....	7295
252.....	7295, 7296, 7837, 8522, 9854
401.....	10034
406.....	10034
413.....	10034
414.....	10034
415.....	10034
422.....	10034
433.....	10034
436.....	10034
970.....	7469

49 CFR

391.....	8199
541.....	8831
571.....	9454, 9800
585.....	9800
807.....	7543
845.....	7277
1312.....	9814

Proposed Rules:

171.....	9079
172.....	9079
174.....	9079
571.....	7298, 10237
604.....	7892
1039.....	7964
1063.....	7838

50 CFR

17.....	8681, 9814, 10518
25.....	7571
28.....	7571
29.....	7571
255.....	9213
258.....	8840
285.....	8324
550.....	7543
604.....	10547
611.....	7446, 9658, 9966
642.....	8325, 9012, 9659, 10212
652.....	8326, 10392
655.....	9966, 10547, 10552
663.....	8683
672.....	7446, 8502, 9658
681.....	8506

Proposed Rules:

17.....	7965, 8215, 8217, 8340, 9081, 10412, 10560
18.....	10243
20.....	9854, 10415
23.....	9867
36.....	7593
80.....	7597
630.....	9869
649.....	8220, 8860
661.....	9869

H.J. Res. 534/Pub. L. 99-263

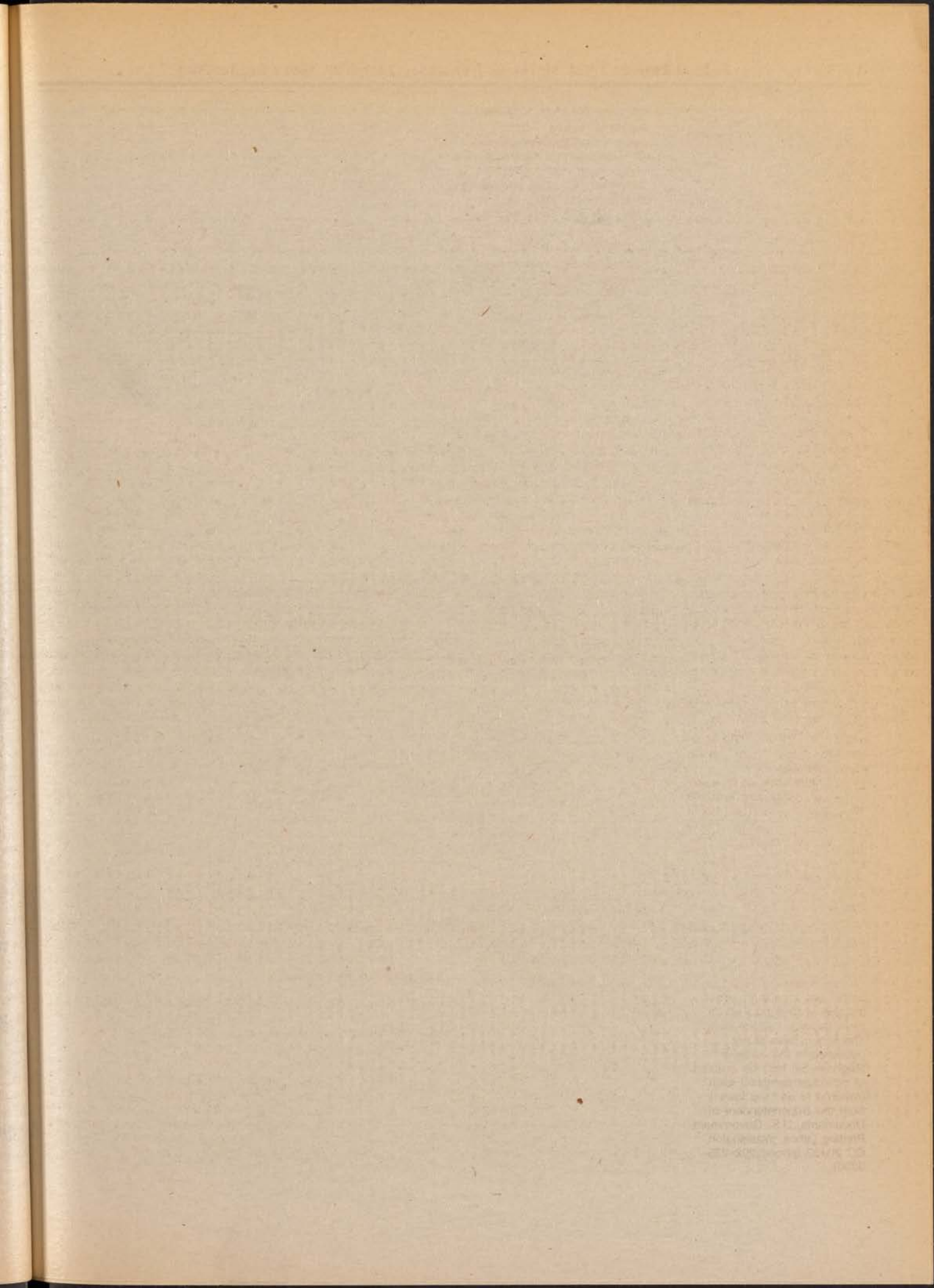
Making an urgent supplemental appropriation for the Department of Agriculture for the fiscal year ending September 30, 1986, and for other purposes. (Mar. 24, 1986; 100 Stat. 59; 2 pages) Price: \$1.00

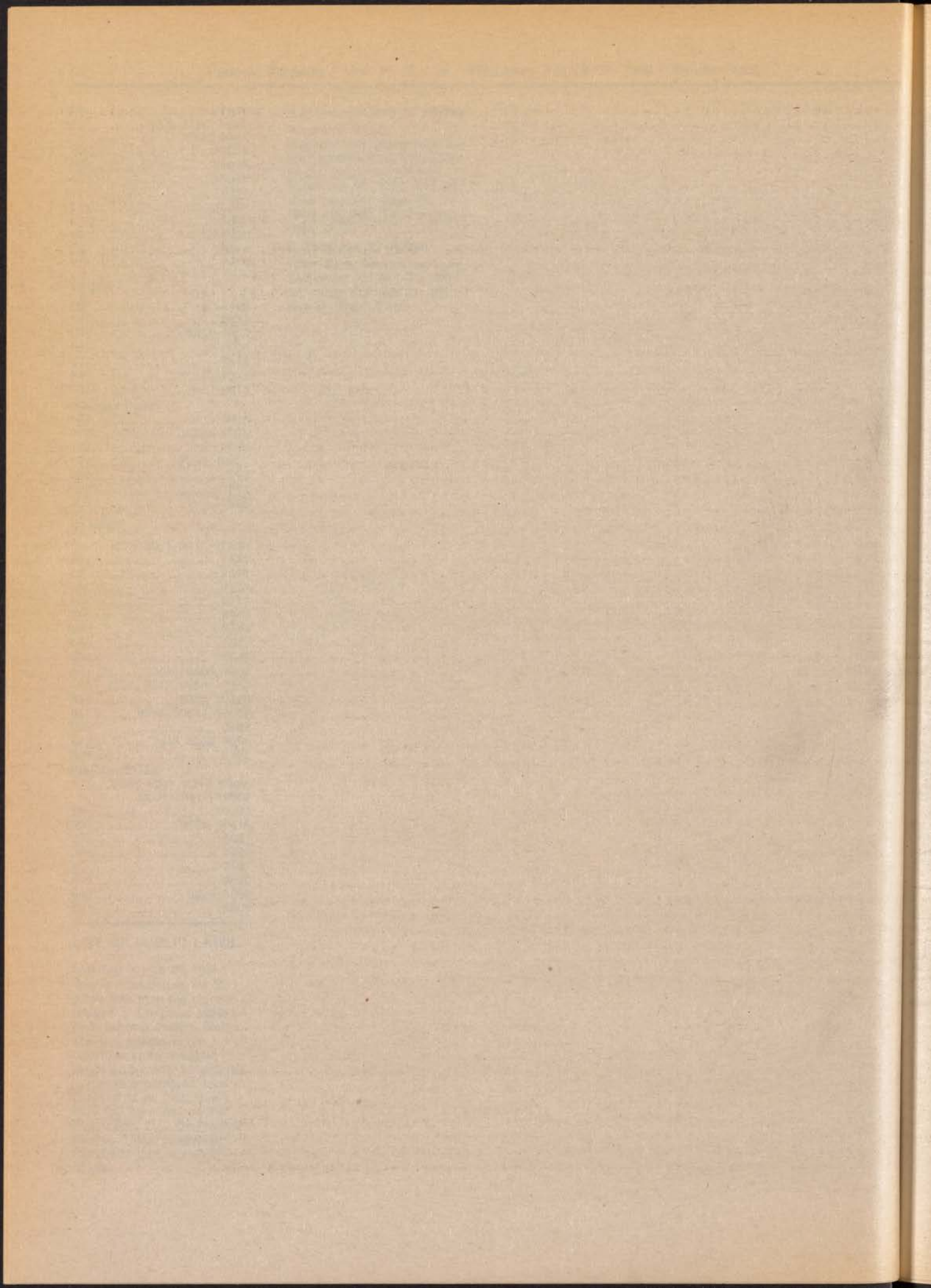
S. 1396/Pub. L. 99-264

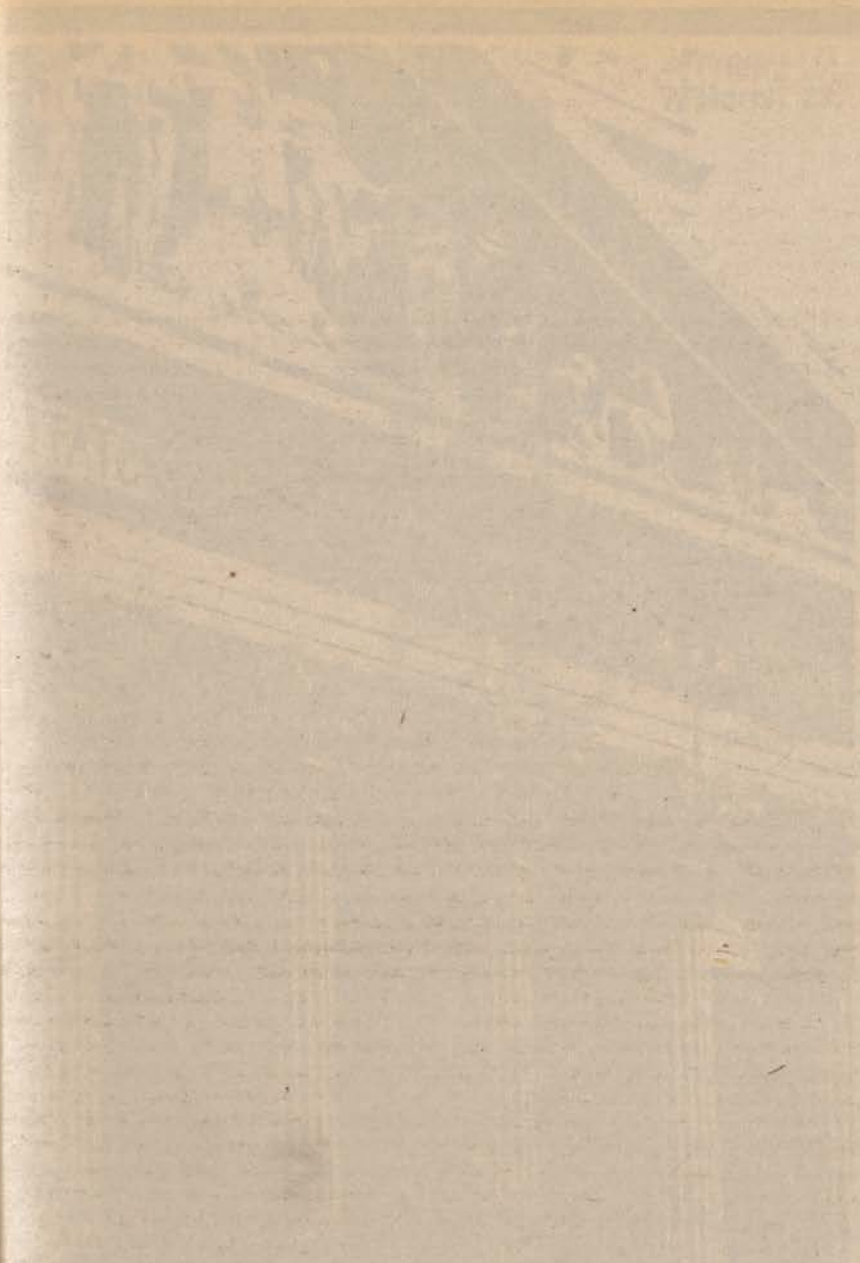
White Earth Reservation Land Settlement Act of 1985. (Mar. 24, 1986; 100 Stat. 61; 10 pages) Price: \$1.00

LIST OF PUBLIC LAWS**Last List March 26, 1986**

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone 202-275-3030).







Would you like to know...

...how the new regulations for the use of the word "Organic" have been developed in the United States? ...how the new regulations for the use of the word "Organic" have been developed in the United States? ...how the new regulations for the use of the word "Organic" have been developed in the United States?

U.S. Dept. of Agriculture

The U.S. Dept. of Agriculture is the only Federal agency responsible for the regulation of the use of the word "Organic" on food and drug labels. The U.S. Dept. of Agriculture is the only Federal agency responsible for the regulation of the use of the word "Organic" on food and drug labels. The U.S. Dept. of Agriculture is the only Federal agency responsible for the regulation of the use of the word "Organic" on food and drug labels.

Organic Products

Organic products are those products that are produced from organic materials. Organic products are those products that are produced from organic materials. Organic products are those products that are produced from organic materials. Organic products are those products that are produced from organic materials.

Organic Products

Organic products are those products that are produced from organic materials. Organic products are those products that are produced from organic materials. Organic products are those products that are produced from organic materials. Organic products are those products that are produced from organic materials.

Organic Products

Organic products are those products that are produced from organic materials. Organic products are those products that are produced from organic materials. Organic products are those products that are produced from organic materials. Organic products are those products that are produced from organic materials.

Organic Products

Organic products are those products that are produced from organic materials. Organic products are those products that are produced from organic materials. Organic products are those products that are produced from organic materials. Organic products are those products that are produced from organic materials.

Organic Products

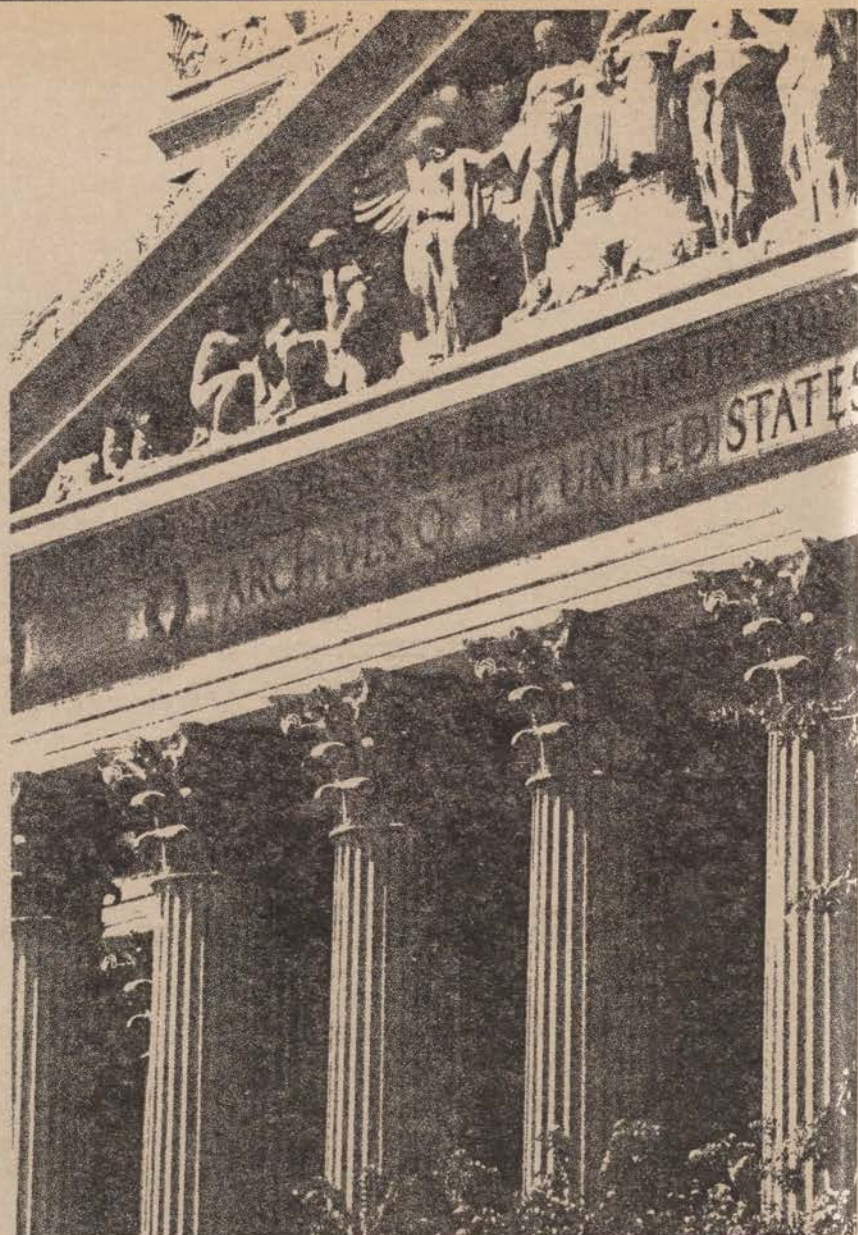
Organic products are those products that are produced from organic materials. Organic products are those products that are produced from organic materials. Organic products are those products that are produced from organic materials. Organic products are those products that are produced from organic materials.

if any changes have been made to the Code of Federal Regulations or what documents have been published in the Federal Register without reading the Federal Register every day? If so, you may wish to subscribe to the *LSA (List of CFR Sections Affected)*, the *Federal Register Index*, or both.

The LSA (List of CFR Sections Affected) is designed to lead users of the Code of Federal Regulations to amendatory actions published in the Federal Register. The LSA is issued monthly in cumulative form. Entries indicate the nature of the changes—such as revised, removed, or corrected.

The Index, covering the contents of the daily Federal Register, is issued monthly in cumulative form. Entries are carried primarily under the names of the issuing agencies. Significant subjects are carried as cross-references.

FR Indexes and the LSA (List of CFR Sections Affected) are mailed automatically to regular FR subscribers.



Mail To: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

Charge orders may be telephoned to the GPO order desk at (202)783-3238 from 8:00 a.m. to 4:00 p.m. eastern time, Monday-Friday (except holidays).

\$22.00 a year domestic;
\$27.50 foreign

(Rev 10-1-85)